



CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA

**August 18, 2016
6:00 PM**

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

Notice is hereby given that the City Council will hold a Regular Meeting, on August 18, 2016 in the City Council Chambers, 155 West Durian Avenue, Coalinga, CA. Persons with disabilities who may need assistance should contact the Deputy City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:

1. CALL TO ORDER

1. Pledge of Allegiance
2. Changes to the Agenda

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS

1. Swearing of Fire Chief Dwayne Gabriel

3. CITIZEN COMMENTS

This section of the agenda allows members of the public to address the City Council on any item not otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, identify themselves and use the microphone. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening and all items will be referred to staff for follow up and a report.

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR

1. Approve MINUTES - August 4, 2016

2. Consideration and Approval of Resolution No. 3729 and Resolution No. 3730 Consenting to the Inclusion of Properties within the Territory of the City of Coalinga in the California Home Finance Authority PACE Program; and Associate Membership in the California Home Finance Authority
3. Authorize City Manager to replace vacant Account Clerk I position with Accounting Technician (Confidential) Position
4. Approval of Resolution 3731 Amendment to Accounting Technician (Confidential) Job Description
5. Adopt Resolution 3732 Amendment to Account Clerk III Job Description
6. Adopt Resolution 3733 to Revise City of Coalinga Basic Pay Scale for City Employees
7. Approve Resolution No. 3734 opposing Proposition 64 Adult Use of Marijuana Act
8. Declare Firearms as Surplus Authorize Sale
9. Adoption of Resolution No. 3735 - Approving Various Fees Related to Commercial Marijuana Permitting in Accordance with Ordinance No. 786
10. City Council Authorization to Enter into a Professional Services Contract with SCI Consulting to Provide Monitoring and Compliance Services for Future Commercial Marijuana Licences
11. Explanation of Staffing and Equipment Needed to Implement Commercial Medical Marijuana in the City of Coalinga and Authorize City Manager to Fill Such Positions
12. Authorize City Manager to Enter into a Contract with California Water Services to Temporarily Cover Vacant Chief Plant Operator Position
13. Request Approval of Amended Contract between the Coalinga Police Department and West Hills College to Provided Law Enforcement Services

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Discussion and Direction regarding the use of the Pride Sign for Business Advertisement
Sean Brewer, Community Development Director
2. Discussion and Direction regarding Ambulance Coverage in Huron
Marissa Trejo, City Manager
3. Council Direction Related to Animal Raising and Keeping
Sean Brewer, Community Development Director
4. Discussion and Direction regarding Support of Coalinga Huron Unified School District Bond
Marissa Trejo, City Manager
5. Discussion and Direction regarding Support of Coalinga Huron Recreation and Parks District Bond
Marissa Trejo, City Manager
6. Discussion and Direction Regarding Updating Title 10, Chapter 1 of the Coalinga Municipal Code (City Park Hours of Operation)
Sean Brewer, Community Development Director
7. Review and Consider Approval of Ordinance No. 790, An Ordinance of the City

Council of the City of Coalinga Amending Title 5, Chapter 15, Pertaining to the Restrictions on Personal Cultivation of Marijuana for Medical Purposes

Michael Salvador, Chief of Police

8. Ordinance No. 791: An Urgency Ordinance of the City of Coalinga Extending Interim Urgency Ordinance No. 786, an Urgency Ordinance of the City Council of the City of Coalinga: (1) Amending Title 5, Chapter 15, Pertaining to Medical Marijuana to Add a New Section 5.15.07 Removing the Current Ban on Commercial Marijuana Cultivation in the City; (2) Amending the Definitions Section of Title 9, Chapter 1, Article 2 to Address Commercial Marijuana Operations in the Context of Crop Cultivation and Industry, Limited; and (3) Amending Title 9, Chapter 5, Article 1 of the City's Development Code to Add a New Section 9-5.128 Pertaining to the Interim Standards for Commercial Marijuana Operations in the City Pending the Adoption of a Permanent Ordinance

Mary Lerner, Assistant City Attorney

9. Ordinance No. 792: An Urgency Ordinance of the City of Coalinga Extending Interim Urgency Ordinance No. 787, An Urgency Ordinance of the City Council of the City of Coalinga: Changing the Zoning for the Claremont Custody Center Site Located at 185 Gale Avenue in the City of Coalinga From the PF – Public Facilities Designation to the MBL- Light Manufacturing/Business Zone District Pending Adoption of a Permanent Ordinance

Mary Lerner, Assistant City Attorney

10. Second Reading Ordinance No. 788 an Ordinance of the City Council of the City of Coalinga Adding Article 6, Section 2-1.601 to Title 2, Chapter 1 Establishing Term Limits for City Council Members, Subject to Approval of the Voters at the November 8, 2016 Election

Marissa Trejo, City Manager

11. Second Reading Ordinance No. 789 an Ordinance of the City Council of the City of Coalinga Adding Chapter 9, Sections 3-9.01 Through 3-9.12 to Title 3 of the Coalinga Municipal Code to Enact 91) a business Operations Annual Tax on Commercial Marijuana Operations and, (2) a Gross Receipts Tax on a Marijuana Dispensary, if a Dispensary is Approved by the Voters Subject to Approval of the Voters at the November 8, 2016 Election

Mary Lerner, Assistant City Attorney

12. Discussion and Direction Regarding an Invitation to Speak at the State of Marijuana on September 26, 2016

Marissa Trejo, City Manager

7. ANNOUNCEMENTS

1. City Manager's Announcements
2. Councilmembers' Announcements/Reports
3. Mayor's Announcements

8. FUTURE AGENDA ITEMS

9. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6. CITY

NEGOTIATORS: City Manager, Marissa Trejo; and Assistant City Attorney, Mary Lerner. EMPLOYEE (ORGANIZATION): International Association of Firefighters

2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case
3. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: Juniper Ridge Industrial Park, Lot 2 (083-280-11ST) and Lot 3 (APN: 083-280-12ST) located in the City of Coalinga on Polk Street (Jayne Avenue) and Enterprise Parkway. CITY NEGOTIATORS: City Manager, Marissa Trejo; and Assistant City Attorney, Mary Lerner. NEGOTIATING PARTIES: Casey Dalton-Schutt. UNDER NEGOTIATION: Price and Terms of Payment
4. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: Juniper Ridge Industrial Park, Lot 4 (083-280-13ST) located in the City of Coalinga on Polk Street (Jayne Avenue) and Enterprise Parkway. CITY NEGOTIATORS: City Manager, Marissa Trejo; and Assistant City Attorney, Mary Lerner. NEGOTIATING PARTIES: Collin Michael Hicks. UNDER NEGOTIATION: Price and Terms of Payment
5. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: Juniper Ridge Industrial Park, Lot 5 (083-280-14ST), Lot 6 (APN: 083-280-15ST), Lot 8 (APN: 083-280-18ST), Lot 9 (APN: 083-280-20ST), and Lot 10 (APN: 083-280-21ST) located in the City of Coalinga on Polk Street (Jayne Avenue) and Enterprise Parkway. CITY NEGOTIATORS: City Manager, Marissa Trejo; and Assistant City Attorney, Mary Lerner. NEGOTIATING PARTIES: Structured Hydro Enterprises of California Corp. UNDER NEGOTIATION: Price and Terms of Payment

10. ADJOURNMENT

Closed Session: A "Closed" or "Executive" Session of the City Council, Successor Agency, or Public Finance Authority may be held as required for items as follows: personnel matters; labor negotiations; security matters; providing instructions to real property negotiators; legal counsel regarding pending litigation; and protection of records exempt from public disclosure. Closed session will be held in the Administration Building at 155 W. Durian Avenue and any announcements or discussion will be held at the same location following Closed Session.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Approve MINUTES - August 4, 2016
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Wanda Earls, City Clerk

I. RECOMMENDATION:

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

	File Name	Description
📎	MINUTES_080416.pdf	Minutes - August 4, 2016

Minutes

CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY MEETING AGENDA

August 4, 2016

1. CALL TO ORDER: 7:01

Council Members Present: Raine Landers, Vosburg, Keough, Ramsey

Others Present: City Manager Marissa Trejo, Assistant City Attorney Mary Lerner, Community Development Director Sean Brewer, Senior Administrative Analyst Mercedes Garcia, Finance Director Mari Jimenez, Police Chief Michael Salvador, Acting Fire Chief Dwayne Gabriel, City Treasurer Olga Keough, City Clerk Wanda Earls

Change to the Agenda: City Manager Marissa Trejo announced to add "Job Description" to Item 8 of the Consent Calendar.

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS

1. Mid Valley Disposal - 2nd Quarter Report, Isaac Kulikoff

Mr. Isaac Kulikoff presented the 2th Quarter Report as follows:

- CHS Career Fair
- Coalinga Senior Center
- Earth Day 2016
- 2nd Quarter Waste Assessments
- Quarter 2 Tonnage Report

3. CITIZEN COMMENTS

Mr. Steve Raine presented a Fireworks Challenge to the community: If 1000 citizens will donate \$20.00 we will have enough for a 2017 Fireworks Show. There will be no refunds rather whatever is raised will be earmarked for the Fireworks Show for the following year.

A non-profit host will be announced at the next meeting.

Speaker Eric Ramsey wants a cleanup of the creeks. Mudslingers want to help. Homeless is out there. PD could be out there. We need social media announcements.

Speaker Maxine Balling voiced concerns regarding Centennial Park and the vandalizing happening at the park. The damage is taking place after hours in the Park. The City flag has been torn. The ordinance needs to be changed in reference to the park hours allowing no one in the park after dark.

Speaker Neighbor – could not understand name said she has lived there since 2005. She is a victim of the violence going on there; 3 cars and home have been vandalized plus stocking and nothing has been done. These individuals have brought violence into our neighborhood. Everyone knows who these kids are and nothing is being done. There are no answers and no results. The kids are bullies.

Mayor Pro-tem Keough says he lives there and walks in the area. He reported a light out in the play structure several months ago and nothing has been done. Now there are several lights out. He is also concerned.

City Manager should bring this back as a Future Agenda Item.

Council Member Vosburg expressed concerned about a multi-park curfew. There are sometimes activities at Keck Park. Would it be dawn to dusk?

Mayor Ramsey said he also lives in that area and this will be taken care of.

Speaker Tanya Stolz announced an event at Keck Park honoring Blue Lives Matter for our PD and CHP. It will be at 7:00 – 10:00 this coming Saturday. Everyone is invited to participate in honoring our men and women in blue.

Thank you to Barbara Divine and Ocean Grown for their assistance.

Mr. Jonathan Walter is requesting to use the property at the corner of 5th Street and Elm Avenue for a circus event. They use generators and 10% of the profit will go to the City. It will probably be the second week of September.

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR – SPECIAL MEETING

1. Review and Approve Required Written Report Describing the Measures Taken to Alleviate the Condition Which Led to the Adoption of Urgency Ordinance No. 786 Which (1) Amends Title 5, Chapter 15, Pertaining to Medical Marijuana to Add a New Section 5.15.07 Removing the Current Ban on Commercial Marijuana Cultivation in the City; (2) Amends the Definitions Section of Title 9, Chapter 1, Article 2 to Address Commercial Marijuana Operations in the Context of Crop Cultivation and Industry, Limited; and (3) Amends Title 9, Chapter 5, Article 1 of the City's Development Code to Add a New Section 9-5.128 Pertaining to the Interim Standards for Commercial Marijuana Operations in the City Pending the Adoption of a Permanent Ordinance; and Urgency Ordinance No. 787 Which Changes the Zoning for the Claremont Custody Center Site Located at 185 Gale Avenue in the City of Coalinga from the PF – Public Facilities Designation to the MBL – Light Manufacturing/Business Zone District Pending the Adoption of a Permanent Ordinance

*Motion by Vosburg, Second by Keough to Approve the Above Described Item. Motion **Approved** by a Roll-call 4/1 Majority Vote. Lander Voted "No"*

CONSNET CALENDAR – REGULAR MEETING

1. Approve MINUTES - July 7, 2016
2. Approve MINUTES - July 21, 2016
3. Check Register - June 2016
4. Monthly Treasurer's Report - June 2016
5. Council Authorization to Execute a Contract with Fehr & Peers to Prepare a Citywide Traffic Calming and Safety Enhancement Plan

6. Adopt Resolution No. 3721, Resolution 3722, and Resolution 3723 Authorizing Promissory Notes for Fire Department to Fund Participation in the Intergovernmental Transfer Program.
7. Purchase of Two New Ambulances
8. Adopt Resolution Number 3728, Amendment to Chief Plant Operator
9. Approval of the Request for Proposals for City Attorney Services
10. Authorize the City Manager to execute a letter of intent with Wadell Engineering Corporation to provide Airport Planning, Engineering, Environmental and Consulting Services for the New Coalinga Municipal Airport
11. Police Department Monthly Report
12. Fire Department Report – June

City Manger Trejo pulled Item 1 Minutes of July 7th and referred to Assistant City Attorney Mary Lerner for explanation.

Assistant City Attorney Lerner indicated the Minutes of July 7th indicated a possible report out of Closed Session.

Senior Administrative Analyst Mercedes Garcia read from the report out of Closed Session:

Mary Lerner, City Attorney, reported out that at the June 23, 2016 meeting the Council agreed by a vote of 4-1 to settlement of the liability claim of Jacob and Roy DeShazo in the amount of \$50,000 the City will tenure its SIR of \$25000 to PARSAC in order to settle the liability claim.

*Motion by Vosburg, Second by Lander to Approved Change to the Minutes of July 7th, 2016 to Add Report Out of Closed Session. Motion Approved by a Roll-call Vote. Motion **Approved** by a Roll-call 5/0 Majority Vote:*

Council Member Vosburg pulled items 5 and 10 for explanation.

Council Member Lander pulled item 7 for explanation.

Council Member Raine pulled Item 11 for explanation.

Explanations were given on the above items by appropriate staff members.

Under Item 11 Police Department Report Police Chief Salvador gave a summary on the following:

- *Neutral Zone established*
- *Maximum Patrol for “back to school” during week of August 15*
 - *Don’t double park*
 - *Don’t load or unload kids across the street from the school*
 - *Carpool to reduce the number of cars around the schools*
 - *Share the roadway with children*
 - *Share the road with buses*
 - *Share the road with bicyclists*
- *Radar trailer being deployed to traffic “hot spots” for next several weeks*

Motion by Vosburg, Second by Lander to Approve Consent Calendar items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12. Motion Approved by a Roll-call 5/0 Majority Vote.

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Council Consideration of a Request to use the City owned property at 5th and Elm Ave for a Circus (Walter Circus Bros.)

Sean Brewer, Community Development Director

Mr. Brewer summarized the staff report.

After brief discussion it was indicated there are no animals involved in this circus. It is more like a Los Vegas show with clowns, motorcycles, magic show, etc.

*Motion by Vosburg, Second by Lander to Approve Council Consideration of a Request to use the City Owned Property at 5th Street and Elm Avenue for a Circus (Walter Bros. Circus. Motion **Approved** by a Roll-call 5/0 Majority Vote.*

2. Review, Discussion and Direction regarding the Coalinga Medical Marijuana Ordinance (Title 5, Chapter 15) in regards to Restrictions on Personal Cultivation of Marijuana for Medical Purposes

Michael Salvador, Chief of Police

Police Chief Salvador presented his staff report on this item.

After discussion by Council Members and consideration to allowing more than 6 plants, it was decided to support the Police Chief's recommendation allowing only 6 plants for personal cultivation of marijuana for medical purposes.

Consensus of Council is to Approve in Reference to Medical Marijuana Ordinance Coalinga Municipal Code, Title 5, Chapter 15 Regarding Restrictions on Personal Cultivation of Marijuana for Medical Purposes be Limited to only 6 Plants.

Mayor Ramsey recessed the meeting for a break at 7:42 PM to reconvene at 7:59 PM.

3. Ordinance No. 788 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA ADDING ARTICLE 6, SECTION 2-1.601 TO TITLE 2, CHAPTER 1 ESTABLISHING TERM LIMITS FOR CITY COUNCIL MEMBERS

Mary Lerner, Assistant City Attorney

Mary Lerner Assistant City Attorney presented the staff report.

Motion by Raine, Second by Vosburg to Approve the First Reading of Ordinance No 788 Regarding Term Limits for Council Members. Motion Approved by a Roll-call 3/2 Majority Vote. Lander, Ramsey voted "NO".

4. Resolution No. 3725. A Resolution of the City Council of the City of Coalinga Submitting to the Voters for the November 8, 2016 Election the Question of Establishing Term Limits for City Council Members, to be Designated as Measure ____.

Mary Lerner, Assistant City Attorney presented the staff report.

*Motion by Vosburg, Second by Keough to Approve Resolution No. 3725 Required as a Part of the Ballot Process and is in Support of Related Ordinance No. 788 which is also on the August 4, 2016 Agenda. Motion **Approved** by a Roll-call 3/2 Majority Vote. Lander, Ramsey Voted "NO".*

5. ORDINANCE NO. 789 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA ADDING CHAPTER 9, SECTIONS 3-9.01 THROUGH 3-9.12 TO TITLE 3 OF THE COALINGA MUNICIPAL CODE TO ENACT (1) A BUSINESS OPERATIONS ANNUAL TAX ON COMMERCIAL MARIJUANA OPERATIONS AND, (2) A GROSS RECEIPTS TAX ON A MARIJUANA DISPENSARY, IF A DISPENSARY IS APPROVED BY THE VOTERS, SUBJECT TO APPROVAL OF THE VOTERS AT THE NOVEMBER 8, 2016 ELECTION

Mary Lerner, Assistant City Attorney

Mary Lerner Assistant City Attorney presented the staff report.

Motion by Vosburg, Second by Keough to Approve First Reading of Ordinance No 789 Adding Chapter 9 Sections 3-9.01 through 3-9.12 to Title 3 of the Coalinga Municipal Code to Enact (1) A Business Operations Annual Tax on Commercial Marijuana Operations and (2) A Gross Receipts Tax on a Marijuana Dispensary if a Dispensary is Approved by the Voters Subject to Approval of the Voters at the November 8, 2016 Election. Motion Approved by a Roll-call 4/1 Majority Vote. Lander voted "NO".

6. RESOLUTION NO. 3726 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA SUBMITTING TO THE VOTERS THE QUESTION OF AUTHORIZING TAXES ON COMMERCIAL MARIJUANA OPERATIONS

Mary Lerner, Assistant City Attorney

Assistant City Attorney Mary Lerner presented the staff report.

*Motion by Vosburg, Second by Keough to Approve Resolution No 3726, Submitting to the Voters the Question of Authorizing Taxes on Commercial Marijuana Operations. Motion **Approved** by a Roll-call 4/1 Majority Vote. Lander voted "NO".*

7. RESOLUTION NO. 3727 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA SUBMITTING TO THE VOTERS FOR THE NOVEMBER 8, 2016 ELECTION THE QUESTION OF WHETHER TO AUTHORIZE AND REGULATE A SINGLE MARIJUANA DISPENSARY, AND IF AUTHORIZED, TO IMPOSE A DISPENSARY GROSS RECEIPTS TAX, TO BE DESIGNATED AS MEASURE __

Mary Lerner, Assistant City Attorney

Assistant City Attorney Mary Lerner presented the Staff Report.

*Motion by Vosburg, Second by Keough to Approve Resolution No. 3727 Submitting to the Voters for the November 8, 2016 Election the Question of Whether to Authorize and Regulate a Single Marijuana Dispensary and if Authorized, to impose a Dispensary Gross Receipts Tax to be Designated as measure. Motion **Approved** by a Roll-call 4/1 Majority Vote. Lander Voted "NO".*

7. ANNOUNCEMENTS

City Manager Trejo reported she has no announcements.

Council Member Vosburg indicated the Summer Reading Program is coming to a close. There is a movie in the morning at 8:30 for those who completed the course.

Mayor Pro-tem Keough indicated everyone was nice to Lori Ajax, first Medical Marijuana Chief Deputy. There was a good crowd from all over the State. It made first page in the newspaper. Thank you to staff for your professionalism.

Council Member Lander indicated that Sally Tripp from the USDA is going to assist us with funding for small cities and communities. She will meet with us on issues.

8. FUTURE AGENDA ITEM

Council Member Vosburg wants to bring back a discussion on chickens, rabbits, etc. for our FFA and 4H. People keep asking him regarding this.

Mayor Pro-tem Keough wants an update on the fountain issues.

Public Works and Utilities Director Pete reported that there is an estimate of \$3500 to repair the City (Sisk) Fountain. Council can move forward to repair. Randy Arp is taking quotes for plumbing and electrical for the high school fountain.

Council Member Vosburg indicated a need to look at ordinances on parks in reference to hours, etc.

The Sports Complex was brought up and Council Member Lander wants to know who owns the Complex. Are we still working on that?

City Manager Trejo said it will be brought back to the Council Meeting on the 18th.

Mr. Cody expressed concerns regarding the Dog Park at the Sports Complex. The Rec Department wants something done.

Mayor Ramsey reported the Coalinga Seals are off. We need to replace the seals.

9. CLOSED SESSION

1. REAL PROPERTY NEGOTIATIONS - Government Code Section 54956.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: Juniper Ridge Industrial Park, Lot 5 (083-280-14ST), Lot 6 (APN: 083-280-15ST), Lot 8 (APN: 083-280-18ST), Lot 9 (APN: 083-280-20ST), and Lot 10 (APN: 083-280-21ST) located in the City of Coalinga on Polk Street (Jayne Avenue) and Enterprise Parkway. CITY NEGOTIATORS: City Manager, Marissa Trejo; and Assistant City Attorney, Mary Lerner. NEGOTIATING PARTIES: Structured Hydro Enterprises of California Corp. UNDER NEGOTIATION: Price and Terms of Payment

10. ADJOURNMENT: 8:17

Assistant City Attorney Mary Lerner indicated there could be an announcement out of Closed Session.

It was reported there is no announcement coming out of Closed Session this evening.

Ron Ramsey, Mayor

City Clerk/Deputy City Clerk

Date

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Consideration and Approval of Resolution No. 3729 and Resolution No. 3730 Consenting to the Inclusion of Properties within the Territory of the City of Coalinga in the California Home Finance Authority PACE Program; and Associate Membership in the California Home Finance Authority

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Shannon Jensen, Assistant to the City Manager/Deputy City Clerk

I. RECOMMENDATION:

The Mayor recommends that the Council approve the following:

1. Resolution No. 3729 consenting to the inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and approving associate membership in the California Home Finance Authority; and
2. Resolution No. 3730 consenting to the inclusion of properties within the City's incorporated area in the California Home Finance Authority PACE Program to finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Charging Infrastructure and approving associate membership in the the California Home Finance Authority.

II. BACKGROUND:

The California Home Finance Authority ("CHF"), which is in the process of formally changing its name to Golden State Finance Authority, is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Powers Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA").

CHF has established two Property Assessed Clean Energy ("PACE") financing programs for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use. By offering low cost financing, CHF's PACE programs allow construction of these projects to proceed and, in the process, stimulate building activity and the overall local economy, reduce peak energy demand, increase property values, and generate savings on utility bills for property owners.

CHF contracts with Ygrene Energy Fund CA LLC ("Ygrene") to serve as the program administrator and to operate the Ygrene works for California PACE financing program.

III. DISCUSSION:

CHF has established two PACE programs under the legislative authority of two separate California PACE laws:

SB 555 PACE Community Facilities District: Senate Bill 555 amended the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code and particularly in accordance with sections 53313.5(I) and 53328.1(a) ("Mello-Roos Act"), to allow for the creation of Community Facilities Districts ("CFDs") for the purpose of financing or refinancing the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property.

Individual properties can be annexed into the district and be subject to the special tax that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the CFD and (ii) each participating owner provides its unanimous written approval for annexation of its property into the PACE CFD.

AB 811 PACE Contractual Assessment Program: by the passage of Assembly Bill 811, the California State Legislature added Chapter 29 to the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code. This legislature authorized cities and counties to establish voluntary contractual assessment programs for the purpose of financing private property improvements that promote renewable energy generation, energy and water efficiency and electric vehicle charging infrastructure.

As with SB 555, CFD properties can be annexed into the AB 811 PACE program and be subject to the property tax assessment that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the program and (ii) each participating owner consents in writing to the annexation of its property into the PACE program.

The City has previously approved participation in other PACE programs. Adding the CHF PACE program, to be administered by Ygrene, provides more options for City property owners. It will not add to or require any additional responsibilities for the City.

To participate in the PACE programs, the City must become an Associate Member of CHF by executing the attached Joint Powers Agreement ("JPA"). Associate membership requires no dues or other costs to the City, but permits participation in all CHF programs including the PACE program. The attached resolutions approve joining the JPA as an Associate Member. Pursuant to the JPA and CHF Board Resolution No. 15-01, the Executive Director has the authority to approve the addition of new Associate Members to the JPA.

CHF sought and has completed the process of validation for both the SB 555 and the AB 811 programs in the Superior Court for the County of Sacramento. As of August 25, 2015, the CHF SB 555 PACE program is fully operational. Although CHF is implementing only the SB 555 PACE program at this time, CHF chose to form, validate and maintain both the SB 555 and the AB 811 programs offerings to ensure that the "Ygrene Works for California" program remains the most innovative, cost effective and most secure PACE program in the State.

Should market conditions, consumer demand and/or legislative changes affect one PACE program more than another, CHF has the flexibility to offer the program that best supports CHF's vision of service without any interruption to participating counties and cities and their property owners. CHF intends to maximize the benefits of both program offerings.

In support of CHF's approach, the Council is being asked to approve to resolutions that would approve the following actions:

The first resolution authorizes the City to join the JPA as an Associate Member and permits property owners

within the incorporated areas for the City to participate in the CHF SB 555 Community Facilities District.

The second resolution authorizes the City to join the JPA as a Associate Member within the City's incorporated areas of the City to participate in the CHF AB 811 Authority PACE Program.

Each resolution also authorizes CHF (1) to accept applications from property owners within the City's incorporated area to finance authorized improvements; and (2) to conduct proceedings and levy special taxes or contractual assessments, as applicable, on the property of participating owners.

Cities and counties that have approved the Ygrene Works Program to date have adopted both resolutions. Authorizing both programs ensures that no matter the market or legislative environment for PACE, the Ygrene Works Program will be established and able to operate successfully in the City without the need for additional review or the need to consider approving another resolution thereby saving valuable staff time and resources.

Following are additional PACE program considerations:

- Supports development of renewable energy sources, installation of energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment.
- Only property owners who voluntarily choose to participate in the program will be subject either to assessments or social taxes, depending on which program CHF decides to implement.
- Program financing provides for an affordable method for many property owners to reduce their energy costs and improve their properties.
- Because program financing can be readily transferred upon sale, even owners who are planning to sell have the ability to make responsible and beneficial improvements to their property.
- While early payment premiums may apply in some circumstances, property owners can choose to pay off the program financing at any time.
- The City incurs no financial obligations as a result of program participation.
- Once the Council approves the resolutions, the City will incur no costs, and no staff time is required for administration of funding of the PACE Program.

IV. ALTERNATIVES:

Do not participate in the CHF PACE Program.

V. FISCAL IMPACT:

There is no fiscal impact associated with the participation in the CHF PACE Program. There is no cost to the City to become an associate member of the JPA or by opting into the PACE Programs described in this report. The City will have no administrative, marketing obligation, or financial obligations associated with the PACE Program.

ATTACHMENTS:

File Name	Description
RESO#3729_CHF_PACE_Program_081816.pdf	Resolution No. 3729

▢ RESO#3730_CHF_PACE_Program_081816.pdf

Resolution No. 3730

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California Home Finance Authority JPA

RESOLUTION NO. 3729

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

Recitals

WHEREAS, the California Home Finance Authority, a California joint powers authority, (the "Authority") has established the Community Facilities District No. 2014-1(Clean Energy) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the "Act") and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the "District"); and

WHEREAS, the purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

WHEREAS, the Authority is in the process of amending the Authority Joint Powers Agreement (the "Authority JPA") to formally change its name to the Golden State Finance Authority; and

WHEREAS, the City of Coalinga is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the "Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Authorized Improvements; and

WHEREAS, the Authority has established the District, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and, to assist property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

WHEREAS, the City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in the case of delinquencies in the payment of any special taxes in connection with the District.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized Improvements.

2. This City Council consents to inclusion in the Authority CFD No. 2014-1 (Clean Energy) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction there over by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements.

4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2014-1(Clean Energy) within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

PASSED AND ADOPTED by the City Council of the City of Coalinga at a special meeting held on the 18th day of August 2016, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

Mayor, Ron Ramsey

ATTEST:

City Clerk / Deputy City Clerk

Exhibit A
JPA Agreement

RESOLUTION NO. 3730

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY, PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

WHEREAS, the California Home Finance Authority ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA"); and

WHEREAS, the Authority is in the process of amending the Authority JPA to formally change its name to the Golden State Finance Authority; and

WHEREAS, Authority has established a property-assessed clean energy ("PACE") Program (the "Authority PACE Program") to provide for the financing of renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Coalinga (the "City") is committed to development of renewable energy generation and energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the Authority PACE Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

WHEREAS, Authority has established the Authority PACE Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority PACE Program to finance the installation of the Improvements.

2. This City Council consents to inclusion in the Authority PACE Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.

4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

PASSED AND ADOPTED by the City Council of the City of Coalinga at a special meeting held on the 18th day of August 2016, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

Mayor, Ron Ramsey

ATTEST:

City Clerk / Deputy City Clerk

Exhibit A
JPA Agreement

CALIFORNIA HOME FINANCE AUTHORITY

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

(Original date July 1, 1993 and as last amended and restated December 10, 2014)

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("Agreement") is entered into by and among the counties listed on Attachment 1 hereof and incorporated herein by reference. All such counties are referred to herein as "Members" with the respective powers, privileges and restrictions provided herein.

RECITALS

A. WHEREAS, the California Rural Home Mortgage Finance Authority ("CRHMFA") was created by a Joint Exercise of Powers Agreement dated July 1, 1993 pursuant to the Joint Exercise of Powers Act (commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"). By Resolution 2003-02, adopted on January 15, 2003, the name of the authority was changed to CRHMFA Homebuyers Fund. The most recent amendment to the Joint Exercise of Powers Agreement was on January 28, 2004.

B. WHEREAS, the Members of CRHMFA Homebuyers Fund desire to update, reaffirm, clarify and revise certain provisions of the joint powers agreement, including the renaming of the joint powers authority, as set forth herein.

C. WHEREAS, the Members are each empowered by law to finance the construction, acquisition, improvement and rehabilitation of real property.

D. WHEREAS, by this Agreement, the Members desire to create and establish a joint powers authority to exercise their respective powers for the purpose of financing the construction, acquisition, improvement and rehabilitation of real property within the jurisdiction of the Authority as authorized by the Act.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Members individually and collectively agree as follows:

1. Definitions

Unless the context otherwise requires, the following terms shall for purposes of this Agreement have the meanings specified below:

"Act" means the Joint Exercise of Powers Act, commencing with Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, including the Marks-Roos Local Bond Pooling Act of 1985, as amended.

"Agreement" means this Joint Exercise of Powers Agreement, as the same now exists or as it may from time to time be amended as provided herein.

"Associate Member" means a county, city or other public agency which is not a voting member of the Rural County Representatives of California, a California nonprofit corporation ("RCRC"), with legal power and authority similar to that of the Members, admitted pursuant to paragraph 4.d. below to associate membership herein by vote of the Board.

"Audit Committee" means a committee made up of the nine-member Executive Committee.

"Authority" means California Home Finance Authority ("CHF"), formerly known as CRHMFA Homebuyers Fund or California Rural Home Mortgage Finance Authority.

"Board" means the governing board of the Authority as described in Section 7 below.

"Bonds" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other obligation within the meaning of the term "Bonds" under the Act.

"Delegate" means the Supervisor designated by the governing board of each Member to serve on the Board of the Authority.

"Executive Committee" means the nine-member Executive Committee of the Board established pursuant to Section 10 hereof.

"Member" means any county which is a member of RCRC, has executed this Agreement and has become a member of the Authority.

"Obligations" means bonds, notes, warrants, leases, certificates of participation, installment purchase agreements, loan agreements and other securities or obligations issued by the Authority, or financing agreements entered into by the Authority pursuant to the Act and any other financial or legal obligation of the Authority under the Act.

"Program" or "Project" means any work, improvement, program, project or service undertaken by the Authority.

"Rural County Representatives of California" or "RCRC" means the nonprofit entity incorporated under that name in the State of California.

"Supervisor" means an elected County Supervisor from an RCRC member county.

2. Purpose

The purpose of the Authority is to provide financing for the acquisition, construction, , improvement and rehabilitation of real property in accordance with applicable provisions of law for the benefit of residents and communities. In pursuit of this purpose, this Agreement provides for the joint exercise of powers common to any of its Members and Associate Members as provided herein, or otherwise authorized by the Act and other applicable laws, including assisting

in financing as authorized herein, jointly exercised in the manner set forth herein.

3. Principal Place of Business

The principal office of the Authority shall be 1215 K Street, Suite 1650, Sacramento, California 95814.

4. Creation of Authority; Addition of Members or Associate Members

a. The Authority is hereby created pursuant to the Act. As provided in the Act, the Authority shall be a public entity separate and distinct from the Members or Associate Members.

b. The Authority will cause a notice of this Agreement or any amendment hereto to be prepared and filed with the office of the Secretary of State of California in a timely fashion in the manner set forth in Section 6503.3 of the Act.

c. A county that is a member of RCRC may petition to become a member of the Authority by submitting to the Board a resolution or evidence of other formal action taken by its governing body adopting this Agreement. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board, such county shall immediately become a Member of the Authority.

d. An Associate Member may be added to the Authority upon the affirmative approval of its respective governing board and pursuant to action by the Authority Board upon such terms and conditions, and with such rights, privileges and responsibilities, as may be established from time to time by the Board. Such terms and conditions, and rights, privileges and responsibilities may vary among the Associate Members. Associate Members shall be entitled to participate in one or more programs of the Authority as determined by the Board, but shall not be voting members of the Board. The Executive Director of the Authority shall enforce the terms and conditions for prospective Associate Members to the Authority as provided by resolution of the Board and as amended from time to time by the Board. Changes in the terms and conditions for Associate Membership by the Board will not constitute an amendment of this Agreement.

5. Term and Termination of Powers

This Agreement shall become effective from the date hereof until the earlier of the time when all Bonds and any interest thereon shall have been paid in full, or provision for such payment shall have been made, or when the Authority shall no longer own or hold any interest in a public capital improvement or program. The Authority shall continue to exercise the powers herein conferred upon it until termination of this Agreement, except that if any Bonds are issued and delivered, in no event shall the exercise of the powers herein granted be terminated until all Bonds so issued and delivered and the interest thereon shall have been paid or provision for such payment shall have been made and any other debt incurred with respect to any other financing program established or administered by the Authority has been repaid in full and is no longer outstanding.

6. Powers; Restriction upon Exercise

a. To effectuate its purpose, the Authority shall have the power to exercise any and all powers of the Members or of a joint powers authority under the Act and other applicable provisions of law, subject, however, to the conditions and restrictions herein contained. Each Member or Associate Member may also separately exercise any and all such powers. The powers of the Authority are limited to those of a general law county.

b. The Authority may adopt, from time to time, such resolutions, guidelines, rules and regulations for the conduct of its meetings and the activities of the Authority as it deems necessary or desirable to accomplish its purpose.

c. The Authority shall have the power to finance the construction, acquisition, improvement and rehabilitation of real property, including the power to purchase, with the amounts received or to be received by it pursuant to a bond purchase agreement, bonds issued by any of its Members or Associate Members and other local agencies at public or negotiated sale, for the purpose set forth herein and in accordance with the Act. All or any part of such bonds so purchased may be held by the Authority or resold to public or private purchasers at public or negotiated sale. The Authority shall set any other terms and conditions of any purchase or sale contemplated herein as it deems necessary or convenient and in furtherance of the Act. The Authority may issue or cause to be issued Bonds or other indebtedness, and pledge any of its property or revenues as security to the extent permitted by resolution of the Board under any applicable provision of law. The Authority may issue Bonds in accordance with the Act in order to raise funds necessary to effectuate its purpose hereunder and may enter into agreements to secure such Bonds. The Authority may issue other forms of indebtedness authorized by the Act, and to secure such debt, to further such purpose. The Authority may utilize other forms of capital, including, but not limited to, the Authority's internal resources, capital markets and other forms of private capital investment authorized by the Act..

d. The Authority is hereby authorized to do all acts necessary for the exercise of its powers, including, but not limited to:

- (1) executing contracts,
- (2) employing agents, consultants and employees,
- (3) acquiring, constructing or providing for maintenance and operation of any building, work or improvement,
- (4) acquiring, holding or disposing of real or personal property wherever located, including property subject to mortgage,
- (5) incurring debts, liabilities or obligations,
- (6) receiving gifts, contributions and donations of property, funds, services and any other forms of assistance from persons, firms, corporations or governmental entities,
- (7) suing and being sued in its own name, and litigating or settling any suits or claims,
- (8) doing any and all things necessary or convenient to the exercise of its specific powers and to accomplishing its purpose
- (9) establishing and/or administering districts to finance and refinance the acquisition, installation and improvement of energy efficiency, water

conservation and renewable energy improvements to or on real property and in buildings. The Authority may enter into one or more agreements, including without limitation, participation agreements and implementation agreements to implement such programs.

e. Subject to the applicable provisions of any indenture or resolution providing for the investment of monies held thereunder, the Authority shall have the power to invest any of its funds as the Board deems advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code of the State of California.

f. All property, equipment, supplies, funds and records of the Authority shall be owned by the Authority, except as may be provided otherwise herein or by resolution of the Board.

g. Pursuant to the provisions of Section 6508.1 of the Act, the debts, liabilities and obligations of the Authority shall not be debts, liabilities and obligations of the Members or Associate Members. Any Bonds, together with any interest and premium thereon, shall not constitute debts, liabilities or obligations of any Member. The Members or Associate Members hereby agree that any such Bonds issued by the Authority shall not constitute general obligations of the Authority but shall be payable solely from the moneys pledged to the repayment of principal or interest on such Bonds under the terms of the resolution, indenture, trust, agreement or other instrument pursuant to which such Bonds are issued. Neither the Members or Associate Members nor the Authority shall be obligated to pay the principal of or premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members or Associate Members or the Authority shall be pledged to the payment of the principal of or premium, if any, or interest on the Bonds, nor shall the Members or Associate Members of the Authority be obligated in any manner to make any appropriation for such payment. No covenant or agreement contained in any Bond shall be deemed to be a covenant or agreement of any Delegate, or any officer, agent or employee of the Authority in an individual capacity, and neither the Board nor any officer thereof executing the Bonds or any document related thereto shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

7. Governing Board

a. The Board shall consist of the number of Delegates equal to one representative from each Member.

b. The governing body of each Member shall appoint one of its Supervisors to serve as a Delegate on the Board. A Member's appointment of its Delegate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until he or she is replaced by such governing body or no longer a Supervisor; any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph b..

c. The governing body of each Member of the Board shall appoint a Supervisor as an alternate to serve on the Board in the absence of the Delegate; the alternate may exercise all the

rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the Board, and to vote upon any and all matters. No alternate may have more than one vote at any meeting of the Board, and any Member's designation of an alternate shall be delivered in writing (which may be by electronic mail) to the Authority and shall be effective until such alternate is replaced by his or her governing body or is no longer a Supervisor, unless otherwise specified in such appointment. Any vacancy shall be filled by the governing body of the Member in the same manner provided in this paragraph c..

d. Any person who is not a member of the governing body of a Member and who attends a meeting on behalf of such Member may not vote or be counted toward a quorum but may, at the discretion of the Chair, participate in open meetings he or she attends.

e. Each Associate Member may designate a non-voting representative to the Board who may not be counted toward a quorum but who may attend open meetings, propose agenda items and otherwise participate in Board Meetings.

f. Delegates shall not receive compensation for serving as Delegates, but may claim and receive reimbursement for expenses actually incurred in connection with such service pursuant to rules approved by the Board and subject to the availability of funds.

g. The Board shall have the power, by resolution, to the extent permitted by the Act or any other applicable law, to exercise any powers of the Authority and to delegate any of its functions to the Executive Committee or one or more Delegates, officers or agents of the Authority, and to cause any authorized Delegate, officer or agent to take any actions and execute any documents for and in the name and on behalf of the Board or the Authority.

h. The Board may establish such committees as it deems necessary for any lawful purpose; such committees are advisory only and may not act or purport to act on behalf of the Board or the Authority.

i. The Board shall develop, or cause to be developed, and review, modify as necessary, and adopt each Program.

8. Meetings of the Board

a. The Board shall meet at least once annually, but may meet more frequently upon call of any officer or as provided by resolution of the Board.

b. Meetings of the Board shall be called, noticed, held and conducted pursuant to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part I of Division 2 of Title 5 of the Government Code of the State of California.

c. The Secretary of the Authority shall cause minutes of all meetings of the Board to be taken and distributed to each Member as soon as possible after each meeting.

d. The lesser of twelve (12) Delegates or a majority of the number of current Delegates shall constitute a quorum for transacting business at any meeting of the Board, except

that less than a quorum may act to adjourn a meeting. Each Delegate shall have one vote.

e. Meetings may be held at any location designated in notice properly given for a meeting and may be conducted by telephonic or similar means in any manner otherwise allowed by law.

9. Officers; Duties; Official Bonds

a. The Board shall elect a chair and vice chair from among the Delegates at the Board's annual meeting who shall serve a term of one (1) year or until their respective successor is elected. The chair shall conduct the meetings of the Board and perform such other duties as may be specified by resolution of the Board. The vice chair shall perform such duties in the absence or in the event of the unavailability of the chair.

b. The Board shall contract annually with RCRC to administer the Agreement and to provide administrative services to the Authority, and the President and Chief Executive Officer of RCRC shall serve *ex officio* as Executive Director, Secretary, Treasurer, and Auditor of the Authority. As chief executive of the Authority, the Executive Director is authorized to execute contracts and other obligations of the Authority, unless prior Board approval is required by a third party, by law or by Board specification, and to perform other duties specified by the Board. The Executive Director may appoint such other officers as may be required for the orderly conduct of the Authority's business and affairs who shall serve at the pleasure of the Executive Director. Subject to the applicable provisions of any indenture or resolution providing for a trustee or other fiscal agent, the Executive Director, as Treasurer, is designated as the custodian of the Authority's funds, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Executive Director, as Auditor, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

c. The Legislative Advocate for the Authority shall be the Rural County Representatives of California.

d. The Treasurer and Auditor are public officers who have charge of, handle, or have access to all property of the Authority, and a bond for such officer in the amount of at least one hundred thousand dollars (\$100,000.00) shall be obtained at the expense of the Authority and filed with the Executive Director. Such bond may secure the faithful performance of such officer's duties with respect to another public office if such bond in at least the same amount specifically mentions the office of the Authority as required herein. The Treasurer and Auditor shall cause periodic independent audits to be made of the Authority's books by a certified public accountant, or public accountant, in compliance with Section 6505 of the Act.

e. The business of the Authority shall be conducted under the supervision of the Executive Director by RCRC personnel.

10. Executive Committee of the Authority

a. Composition

The Authority shall appoint nine (9) members of its Board to serve on an Executive Committee.

b. Powers and Limitations

The Executive Committee shall act in an advisory capacity and make recommendations to the Authority Board. Duties will include, but not be limited to, review of the quarterly and annual budgets, service as the Audit Committee for the Authority, periodically review this Agreement; and complete any other tasks as may be assigned by the Board. The Executive Committee shall be subject to all limitations imposed by this Agreement, other applicable law, and resolutions of the Board.

c. Quorum

A majority of the Executive Committee shall constitute a quorum for transacting business of the Executive Committee.

11. Disposition of Assets

Upon termination of this Agreement, all remaining assets and liabilities of the Authority shall be distributed to the respective Members in such manner as shall be determined by the Board and in accordance with the law.

12. Agreement Not Exclusive; Operation in Jurisdiction of Member

This Agreement shall not be exclusive, and each Member expressly reserves its rights to carry out other public capital improvements and programs as provided for by law and to issue other obligations for those purposes. This Agreement shall not be deemed to amend or alter the terms of other agreements among the Members or Associate Members.

13. Conflict of Interest Code

The Authority shall by resolution adopt a Conflict of Interest Code as required by law.

14. Contributions and Advances

Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by any Member, Associate Member or any other public agency to further the purpose of this Agreement. Payment of public funds may be made to defray the cost of any contribution. Any advance may be made subject to repayment, and in that case shall be repaid in the manner agreed upon by the advancing Member, Associate Member or other public agency and the Authority at the time of making the advance.

15. Fiscal Year; Accounts; Reports; Annual Budget; Administrative Expenses

a. The fiscal year of the Authority shall be the period from January 1 of each year to and including the following December 31, except for any partial fiscal year resulting from a change

in accounting based on a different fiscal year previously.

b. Prior to the beginning of each fiscal year, the Board shall adopt a budget for the succeeding fiscal year.

c. The Authority shall establish and maintain such funds and accounts as may be required by generally accepted accounting principles. The books and records of the Authority are public records and shall be open to inspection at all reasonable times by each Member and its representatives.

d. The Auditor shall either make, or contract with a certified public accountant or public accountant to make, an annual audit of the accounts and records of the Authority. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California, and shall conform to generally accepted auditing standards. When an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member (and also with the auditor of Sacramento County as the county in which the Authority's office is located) within 12 months after the end of the fiscal year.

e. In any year in which the annual budget of the Authority does not exceed five thousand dollars (\$5,000.00), the Board may, upon unanimous approval of the Board, replace the annual audit with an ensuing one-year period, but in no event for a period longer than two fiscal years.

16. Duties of Members or Associate Members; Breach

If any Member or Associate Member shall default in performing any covenant contained herein, such default shall not excuse that Member or Associate Member from fulfilling its other obligations hereunder, and such defaulting Member or Associate Member shall remain liable for the performance of all covenants hereof. Each Member or Associate Member hereby declares that this Agreement is entered into for the benefit of the Authority created hereby, and each Member or Associate Member hereby grants to the Authority the right to enforce, by whatever lawful means the Authority deems appropriate, all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative, and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

17. Indemnification

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Board Delegate, alternate, officer, consultant, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Delegate, alternate, officer, consultant, employee or other agent of the Authority. Such indemnification may be made against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal

proceeding, had no reasonable cause to believe his or her conduct was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

18. Immunities

All of the privileges and immunities from liabilities, exemptions from law, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any of the Members or Associate Members when performing their respective functions, shall apply to them to the same degree and extent while engaged as Delegates or otherwise as an officer, agent or other representative of the Authority or while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

19. Amendment

This Agreement may be amended by the adoption of the amendment by the governing bodies of a majority of the Members. The amendment shall become effective on the first day of the month following the last required member agency approval. An amendment may be initiated by the Board, upon approval by a majority of the Board. Any proposed amendment, including the text of the proposed change, shall be given by the Board to each Member's Delegate for presentation and action by each Member's board within 60 days, which time may be extended by the Board.

The list of Members, Attachment 1, may be updated to reflect new and/or withdrawn Members without requiring formal amendment of the Agreement by the Authority Board of Directors.

20. Withdrawal of Member or Associate Member

If a Member withdraws as member of RCRC, its membership in the Authority shall automatically terminate. A Member or Associate Member may withdraw from this Agreement upon written notice to the Board; provided however, that no such withdrawal shall result in the dissolution of the Authority as long as any Bonds or other obligations of the Authority remain outstanding. Any such withdrawal shall become effective thirty (30) days after a resolution adopted by the Member's governing body which authorizes withdrawal is received by the Authority. Notwithstanding the foregoing, any termination of membership or withdrawal from the Authority shall not operate to relieve any terminated or withdrawing Member or Associate Member from Obligations incurred by such terminated or withdrawing Member or Associate Member prior to the time of its termination or withdrawal.

20. Miscellaneous

a. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

b. **Construction.** The section headings herein are for convenience only and are not to

be construed as modifying or governing the language in the section referred to.

c. **Approvals.** Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

d. **Jurisdiction; Venue.** This Agreement is made in the State of California, under the Constitution and laws of such State and is to be so construed; any action to enforce or interpret its terms shall be brought in Sacramento County, California.

e. **Integration.** This Agreement is the complete and exclusive statement of the agreement among the parties hereto, and it supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the parties relating to the subject matter of this Agreement.

f. **Successors; Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the Board.

g. **Severability.** Should any part, term or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining parts, terms or provisions hereof shall not be affected thereby.

The parties hereto have caused this Agreement to be executed and attested by their properly authorized officers.

AS ADOPTED BY THE MEMBERS:

Originally dated July 1, 1993
Amended and restated December 10, 1998
Amended and restated February 18, 1999
Amended and restated September 18, 2002
Amended and restated January 28, 2004
Amended and restated December 10, 2014

[SIGNATURES ON FOLLOWING PAGES]

SIGNATURE PAGE FOR NEW ASSOCIATE MEMBERS

NAME OF COUNTY OR CITY:

Dated:_____

By:_____

Name:_____

Title:_____

Attest:

By_____

City Clerk

AFTER EXECUTION, PLEASE SEND TO:

YGRENE ENERGY FUND
ATTN: LEGAL DEPARTMENT
815 5TH STREET
SANTA ROSA CA 95404

ATTACHMENT 1
CALIFORNIA HOME FINANCE AUTHORITY MEMBERS

As of December 10, 2014

Alpine County
Amador County
Butte County
Calaveras County
Colusa County
Del Norte County
El Dorado County
Glenn County
Humboldt County
Imperial County
Inyo County
Lake County
Lassen County
Madera County
Mariposa County
Mendocino County
Merced County
Modoc County
Mono County
Napa County
Nevada County
Placer County
Plumas County
San Benito County
Shasta County
Sierra County
Siskiyou County
Sutter County
Tehama County
Trinity County
Tuolumne County
Yolo County
Yuba County

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Authorize City Manager to replace vacant Account Clerk I position with Accounting Technician (Confidential) Position
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

City Manager recommends replacing the vacant Account Clerk I position with an Accounting Technician (Confidential) position.

II. BACKGROUND:

The FY 17 authorized four (4) Account Clerk positions. One (1) position recently became vacant. The Financial Services Supervisor and Financial Services Director have requested to fill the vacancy as an Accounting Technician (Confidential) which the City Manager agrees is appropriate.

III. DISCUSSION:

The Accounting Technician (Confidential) would be able to provide a higher level of accounting support than an Account Clerk.

IV. ALTERNATIVES:

Do not authorize the City Manager to fill the current vacancy at the Accounting Technician (Confidential) level.

V. FISCAL IMPACT:

Because this change would result in a redistribution of duties, the account numbers impacted would also be adjusted. This change would actually result in a positive impact to the General Fund of approximately \$2,424.00

ATTACHMENTS:

File Name

Description

No Attachments Available

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Approval of Resolution 3731 Amendment to Accounting Technician (Confidential)
Job Description
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

City Manager recommends approving Resolution No. 3731 amending Accounting Technician (Confidential) Job Description

II. BACKGROUND:

III. DISCUSSION:

Changes include reassigning the pay range from 26 Basic to 25 Basic, reassigning who the Accounting Technician (Confidential) reports to and a few adjustments to essential duties and minimum qualifications.

IV. ALTERNATIVES:

Do not approve the amended Job Description.

V. FISCAL IMPACT:

There is no cost with approving the amended Job Description.

ATTACHMENTS:

File Name	Description
Accounting_Technician_Rev_7-01-09_(2).doc	Accounting Technician (Confidential) Job Description
Resolution_Amendment_to_Acct_Tech_Job_Desc.doc	Resolution 3731

City of Coalinga

155 W. Durian

Coalinga, CA 93210

Accounting Technician

Pay Class: 25 Basic

FLSA Non-Exempt

DEFINITION

Under general supervision of the Financial Services Supervisor, performs a variety of complex, technical and clerical accounting duties in support of the Financial Services Department; provides confidential support to Finance Manager and Financial Services Director, including but not limited to, assisting with the external audit, payroll functions, budgeting and general ledger reconciliation; maintains and processes financial records; assists with accounts payable, accounts receivable, utility billing, business licenses and the front counter as needed; and completes other duties as required.

EXAMPLES OF ESSENTIAL DUTIES

NOTE: Examples listed in this class specification represents but is not necessarily exhaustive or descriptive of duties assigned to this position. Each individual in this classification may not necessarily perform all the duties listed. Management reserves the right to assign other related tasks if such duties are a logical assignment for this position.

- Assists with a full range of financial recordkeeping and reporting duties, including general ledger, accounts payable, accounts receivable, payroll, business licenses and utility billing.
- Processes business license applications; reviews applications for accuracy and completeness; records and files documents; issues business licenses for owners of businesses.
- Performs administrative and general clerical duties; calculates fees and collects payments; prepares bank deposits and balances daily cash reports.
- Performs detailed and difficult calculations, recordkeeping and reconciliation; generates journals and registers associated with Financial Services.
- Researches, compiles and analyzes data related to a variety of special projects; composes correspondence, assists in the preparation of a variety of financial documents, reports and special projects; develops statistical charts; monitors various accounts, sets up files and spreadsheets.
- Assists in the coordination of the annual external audit; interfaces with auditors and reviews the general ledger for unusual postings and transactions.
- Assists employees and customers at the front counter and on the phone; responds to employee/customer inquiries; answers questions, provides information and/or directs to

appropriate staff; provides forms, additional documentation and other materials as needed.

- Maintains detailed general ledger records through computerized system; utilizes assigned computer software programs, 10-key calculator and general office equipment.
- Prepares and files accounting and financial transaction reports at various intervals.
- Performs other related work as required.

MINIMUM QUALIFICATIONS

NOTE: The specifications listed below outline the desirable qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.

Education: Equivalent to completion of the twelfth grade; one (1) year of specialized training provided through on-the-job programs, seminars, workshops, vocational training or college is highly desirable.

Experience: Five (5) years of increasingly responsible accounting and general financial recordkeeping and accounting experience related to above duties or an equivalent combination of experience and education that could provide the required knowledge and ability.

Licenses: Valid State of California Drivers License, Class C; must be insurable under the City's insurance policy without the City incurring any additional premiums or costs.

Other: Must be a U.S. citizen or Legal Resident Alien; pass a background investigation and a physical examination including a drug test; and be bondable.

NOTE: It is the employee's responsibility to renew all applicable license(s). The City will reimburse the employee for any required training expenses.

KNOWLEDGE, SKILLS AND ABILITIES

NOTE: The following are a representative sample of the KSA's necessary to perform essential tasks of the position.

Knowledge of: Budgeting and municipal and fiscal accounting practices, methods, forms, techniques and procedures; automated information systems and methods, including spreadsheets and other accounting and business software; business math and elementary statistical methods and techniques; public administration, municipal organization and department operations including applicable laws and regulations; processing and reconciling payroll, accounts receivable, accounts payable, utility billing, business licenses and other financial transactions; internal control principles and methods of application; principles of supervision, training and evaluations; modern office practices and procedures.

Skill and Ability to: Be proficient in word processing, spreadsheets, data bank and presentations; develop, recommend, install, and evaluate complex accounting systems, procedures, and internal controls; analyze and prepare complex financial statements and reports; plan, direct and evaluate the

work of subordinates; analyze and interpret complex laws, regulations and codes; express ideas clearly both orally and in writing in the English language; work under tight deadlines; effectively prioritize and manage time; successfully multi-task and keep organized; maintain strict confidentiality and unquestionable integrity; have excellent attendance and be punctual; develop effective working relationships with supervisors, fellow employees, and the public; bilingual in English and Spanish is highly desirable.

ATTITUDE

Characterized by initiative, commitment to teamwork and quality performance, and a customer-service orientation; must interact in a positive manner with City employees and the public.

PHYSICAL AND PSYCHOLOGICAL REQUIREMENTS

NOTE: The physical and psychological demands described herein are representative of those that must be met by an employee to successfully perform the essential duties of this classification. Reasonable accommodations may be made to enable an individual with qualified disabilities to perform the essential functions of this job, on a case-by-case basis.

Ability to work in a typical office setting with appropriate climate controls. Tasks require a variety of physical activities such as hearing and speaking to exchange information in person and on the telephone; vision sufficient to read written materials, including small print, and personal computer monitor; sitting for extended periods of time; occasional walking to other offices and standing for brief periods; bending and reaching to place or retrieve files, office supplies, binders and other reference materials; dexterity of hands and fingers to operate a personal computer, typewriter and other office equipment. Mental application utilizes memory for details, verbal instructions, emotional stability, discriminating thinking and creative problem solving. Individual must exercise good judgment, be flexible and sensitive in response to changing situations and needs; and communicate clearly and concisely, both orally and in writing.

Approved by: _____
Marissa Trejo, City Manager Date _____

RESOLUTION NO. 3731

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA
AMENDING THE ACCOUNTING TECHNICIAN (CONFIDENTIAL) JOB
DESCRIPTION**

WHEREAS, the City Manager and her staff have presented the City Council with a proposed Amendment to the Accounting Technician (Confidential) Job Description; and

WHEREAS, the Amendment to the Accounting Technician (Confidential) Job Description has been reviewed by the City Council and the City Council has determined that the amendments to the Job Description are adequate and necessary; and

WHEREAS, the City Council has determined to approve the Amendment to the Accounting Technician (Confidential) Job Description.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Coalinga as follows:

1. The Amendment to the Accounting Technician (Confidential) Job Description is hereby approved.

2. The City Manager and her designees are authorized to implement and carry out the provisions of the Amendment to the Accounting Technician (Confidential) Job Description.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Coalinga held on the 18 day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk/Deputy City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Adopt Resolution 3732 Amendment to Account Clerk III Job Description
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

City Manager recommends adopting Resolution 3732 amending the Account Clerk III Job Description.

II. BACKGROUND:

Changes to the Job Description include changing the pay range from 25 Basic to 24 Basic, changing who the position reports to, and changing the experience required from 5 years to 4 years.

III. DISCUSSION:

IV. ALTERNATIVES:

Do not approve the Job Description.

V. FISCAL IMPACT:

There is no cost with approving the Job Description.

ATTACHMENTS:

File Name	Description
☐ Resolution_Amendment_to_Acct_Clerk_III_Job_Desc.doc	Resolution 3732
☐ 20160815163522644.pdf	Account Clerk III Job Description

RESOLUTION NO. 3732

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA
AMENDING THE ACCOUNT CLERK III JOB DESCRIPTION**

WHEREAS, the City Manager and her staff have presented the City Council with a proposed Amendment to the Account Clerk III Job Description; and

WHEREAS, the Amendment to the Account Clerk III Job Description has been reviewed by the City Council and the City Council has determined that the amendments to the Job Description are adequate and necessary; and

WHEREAS, the City Council has determined to approve the Amendment to the Account Clerk III Job Description.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Coalinga as follows:

1. The Amendment to the Account Clerk III Job Description is hereby approved.
2. The City Manager and her designees are authorized to implement and carry out the provisions of the Amendment to the Account Clerk III Job Description.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Coalinga held on the 18 day of August, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk/Deputy City Clerk

City of Coalinga

155 W. Durian

Coalinga, CA 93210

Account Clerk III

Pay Class: 24 Basic

FLSA Non-Exempt

DEFINITION

Under general supervision of the Financial Services Supervisor, performs a variety of routine and complex accounting duties as needed to expedite the processes and functions of the Financial Services Department including the maintenance and review of financial records and the preparation of reports pertaining to utility accounts and posting information to computer input forms in accordance with city policies and procedures; assists customers at the front counter; receiving, responding and directing incoming telephone calls; and completing other routine tasks as assigned.

EXAMPLES OF ESSENTIAL DUTIES

NOTE: Examples listed in this class specification represents but is not necessarily exhaustive or descriptive of duties assigned to this position. Each individual in this classification may not necessarily perform all the duties listed. Management reserves the right to assign other related tasks if such duties are a logical assignment for this position.

- Prepares and enters such items as changes and new or terminated accounts.
- Reviews and prepares meter changes before exporting data to/from the meter reading program.
- Enters utility usage figures on computer input forms.
- Insures computer input records are current by opening and closing accounts and providing necessary adjustments.
- Confers with software representatives to insure the correct preparation of utility billing.
- Maintains a balance of delinquent utility accounts.
- Assists visitors at the front counter and on the phone; responds to customer billing and service inquiries; answers questions, provides information and/or directs them to appropriate staff; provides forms, applications and other materials.
- Operates computer daily to enter utility payments and receipts; prepares daily report for balancing and updates daily receipts according to balancing results; prepares bank deposit.
- Provide information concerning policies, regulations of data and changes to departments and other individuals; provide training as needed. Inform immediate supervisors of changes in utility status. Researches and answers questions on utility inquiries, for exactness, neatness, and conformance to policies and procedures. Studies and standardizes resolutions and procedures to improve efficiency of policies.

- Maintains detailed general ledger records through a computerized system.
- Prepares and files accounting and financial transaction reports at various intervals.
- Assists in the process of accounting and financial record keeping and reporting, including general ledger entries, cash receipts, and utility billing payments.
- Prepares utility bills for mailing.
- Provides assistance and training to other clerical employees regarding the utility billing system and other office machines.
- Operates 10-key calculator and other office machines.
- Performs related duties as required.

MINIMUM QUALIFICATIONS

NOTE: *The specifications listed below outline the desirable qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

Education: Equivalent to completion of the twelfth grade; one (1) year of specialized training provided through on-the-job programs, seminars, workshops, vocational training, etc. is highly desirable.

Experience: Four (4) years of increasingly responsible general financial record keeping and accounting experience related to the above duties ; or any combination of training and experience that would provide the knowledge and ability to perform the essential duties is qualifying.

Licenses: Valid State of California Drivers License, Class C; must be insurable under the City's insurance policy without the City incurring any additional premiums or costs.

Other: Must be a U.S. citizen or Legal Resident Alien; pass a background investigation and a physical examination including a drug test; and be bondable.

NOTE: *It is the employee's responsibility to renew all applicable license(s). The City will reimburse the employee for any required training expenses.*

KNOWLEDGE, SKILLS AND ABILITIES

NOTE: *The following are a representative sample of the KAS's necessary to perform essential tasks of the position.*

Knowledge of: Generally accepted accounting principles; internal control principles and methods of application; modern office maintenance and practices; computer accounting applications and various software spreadsheet programs; operations of standard office equipment; basic mathematics and accounting; interpersonal communication skills and telephone etiquette.

Skill and Ability to: Analyze routine accounting problems and make standard adjustments; make accurate arithmetic calculations; balance cash receipts; maintain accurate records and files; produce written documentation; perform detailed clerical work and maintain attention to detail despite frequent interruptions; understand and follow written and oral direction; work independently and

make sound judgments within established guidelines; research information and solve customer service problems; operate various types of office equipment such as a typewriter, 10 key calculator, etc; operate personal computer to produce or compose documents, reports and records; express ideas clearly both orally and in writing in the English language; work under tight deadlines; effectively prioritize and manage time; successfully multi-task and keep organized; maintain strict confidentiality and unquestionable integrity; have excellent attendance and be punctual; develop effective working relationships with supervisors, fellow employees, and the public; bilingual in English and Spanish is highly desirable.

ATTITUDE

Characterized by initiative, commitment to teamwork and quality performance, and a customer-service orientation; must interact in a positive manner with City employees and the public.

PHYSICAL AND PSYCHOLOGICAL REQUIREMENTS

NOTE: The physical and psychological demands described herein are representative of those that must be met by an employee to successfully perform the essential duties of this classification. Reasonable accommodations may be made to enable an individual with qualified disabilities to perform the essential functions of this job, on a case-by-case basis.

Ability to work in a typical office setting with appropriate climate controls. Tasks require a variety of physical activities such as hearing and speaking to exchange information in person and on the telephone; vision sufficient to read written materials, including small print, and personal computer monitor; sitting for extended periods of time; occasional walking to other offices and standing for brief periods; bending and reaching to place or retrieve files, office supplies, binders and other reference materials; dexterity of hands and fingers to operate a personal computer, typewriter and other office equipment. Mental application utilizes memory for details, verbal instructions, emotional stability, discriminating thinking and creative problem solving. Individual must exercise good judgment, be flexible and sensitive in response to changing situations and needs; and communicate clearly and concisely, both orally and in writing.

Approved by: _____
Marissa Trejo, City Manager Date

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Adopt Resolution 3733 to Revise City of Coalinga Basic Pay Scale for City Employees
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

City Manager recommends adopting Resolution 3733 to Revise City of Coalinga Basic Pay Scale for City Employees.

II. BACKGROUND:

Resolution 3731 and 3732 require a revision to the City of Coalinga Basic Pay Scale for City Employees. There is no current impact to employees as the changes are for the Accounting Technician (Confidential) position and the Account Clerk III position which are currently not filled.

III. DISCUSSION:

IV. ALTERNATIVES:

Do not approve the revised Basic Pay Scale.

V. FISCAL IMPACT:

There is no cost associated with revising the Basic Pay Scale.

ATTACHMENTS:

File Name	Description
☐ Resolution_Basic_Pay_Scale.doc	Resolution No. 3733 Revise City of Coalinga Basic Pay Scale
☐ Basic_Pay_Scale_8-18-16.docx	Basic Pay Scale

RESOLUTION NO. 3733

A RESOLUTION TO REVISE CITY OF COALINGA BASIC PAY SCALE

WHEREAS, the governing body of the City of Coalinga is authorized to prepare, install, revise and maintain a position classification and compensation plan covering all positions in the competitive service;

NOW, THEREFORE, BE IT RESOLVED,

- I. That the City Council of the City of Coalinga hereby established pay scales for all employees in all classifications of employment described on the Basic Pay Scale to be revised effective August 18, 2016.

The foregoing resolution was approved and adopted at a meeting of the City Council of the City of Coalinga held on the 18 day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk/Deputy City Clerk

City of Coalinga Basic Pay Scale

Effective: July 1, 2006

Approved: March 1, 2010

Revised: August 18, 2016

Grade	Position	Step A	Step B	Step C	Step D	Step E	Step F
17	Groundskeeper Office Assistant Bus Driver Human Resources Assistant Police Records Clerk						
	Annually	\$27,062.03	\$28,415.13	\$29,835.89	\$31,327.68	\$32,894.07	\$34,538.77
	Monthly	\$2,255.17	\$2,367.93	\$2,486.32	\$2,610.64	\$2,741.17	\$2,878.23
	Bi-Weekly	\$1,040.85	\$1,092.89	\$1,147.53	\$1,204.91	\$1,265.16	\$1,328.41
	Hourly	\$13.0106	\$13.6611	\$14.3442	\$15.0614	\$15.8145	\$16.6052
18	Custodian Lead Bus Driver						
	Annually	\$28,415.13	\$29,835.89	\$31,327.68	\$32,894.07	\$34,538.77	\$36,265.71
	Monthly	\$2,367.93	\$2,486.32	\$2,610.64	\$2,741.17	\$2,878.23	\$3,022.14
	Bi-Weekly	\$1,092.89	\$1,147.53	\$1,204.91	\$1,265.16	\$1,328.41	\$1,394.83
	Hourly	\$13.6611	\$14.3442	\$15.0614	\$15.8145	\$16.6052	\$17.4354
19	Maintenance Worker I (Street Sweeper)						
	Annually	\$29,835.89	\$31,327.68	\$32,894.07	\$34,538.77	\$36,265.71	\$38,079.00
	Monthly	\$2,486.32	\$2,610.64	\$2,741.17	\$2,878.23	\$3,022.14	\$3,173.25
	Bi-Weekly	\$1,147.53	\$1,204.91	\$1,265.16	\$1,328.41	\$1,394.83	\$1,464.58
	Hourly	\$14.3442	\$15.0614	\$15.8145	\$16.6052	\$17.4354	\$18.3072
20	Account Clerk I Maintenance Worker I Public Safety Dispatcher Property and Evidence Technician Animal Control Officer Human Resources Generalist						
	Annually	\$31,327.68	\$32,894.07	\$34,538.77	\$36,265.71	\$38,079.00	\$39,982.95
	Monthly	\$2,610.64	\$2,741.17	\$2,878.23	\$3,022.14	\$3,173.25	\$3,331.91
	Bi-Weekly	\$1,204.91	\$1,265.16	\$1,328.41	\$1,394.83	\$1,464.58	\$1,537.81
	Hourly	\$15.0614	\$15.8145	\$16.6052	\$17.4354	\$18.3072	\$19.2226

Grade	Position	Step A	Step B	Step C	Step D	Step E	Step F
21	Maintenance Worker II						
	Annually	\$32,894.07	\$34,538.77	\$36,265.71	\$38,079.00	\$39,982.95	\$41,982.09
	Monthly	\$2,741.17	\$2,878.23	\$3,022.14	\$3,173.25	\$3,331.91	\$3,498.51
	Bi-Weekly	\$1,265.16	\$1,328.41	\$1,394.83	\$1,464.58	\$1,537.81	\$1,614.70
	Hourly	\$15.8145	\$16.6052	\$17.4354	\$18.3072	\$19.2226	\$20.1837
22	Account Clerk II Maintenance Worker III Water Operator Apprentice Code Enforcement Officer Community Development Assistant						
	Annually	\$34,538.77	\$36,265.71	\$38,079.00	\$39,982.95	\$41,982.09	\$44,081.20
	Monthly	\$2,878.23	\$3,022.14	\$3,173.25	\$3,331.91	\$3,498.51	\$3,673.43
	Bi-Weekly	\$1,328.41	\$1,394.83	\$1,464.58	\$1,537.81	\$1,614.70	\$1,659.43
	Hourly	\$16.6052	\$17.4354	\$18.3072	\$19.2226	\$20.1837	\$21.1929
23	Secretary						
	Annually	\$36,265.71	\$38,079.00	\$39,982.95	\$41,982.09	\$44,081.20	\$46,285.26
	Monthly	\$3,022.14	\$3,173.25	\$3,331.91	\$3,498.51	\$3,673.43	\$3,857.10
	Bi-Weekly	\$1,394.83	\$1,464.58	\$1,537.81	\$1,614.70	\$1,659.43	\$1,780.20
	Hourly	\$17.4354	\$18.3072	\$19.2226	\$20.1837	\$21.1929	\$22.2525
24	Equipment Mechanic Water Operator I Water Operator Analyst Account Clerk III						
	Annually	\$38,079.00	\$39,982.95	\$41,982.09	\$44,081.20	\$46,285.26	\$48,599.52
	Monthly	\$3,173.25	\$3,331.91	\$3,498.51	\$3,673.43	\$3,857.10	\$4,049.96
	Bi-Weekly	\$1,464.58	\$1,537.81	\$1,614.70	\$1,659.43	\$1,780.20	\$1,869.21
	Hourly	\$18.3072	\$19.2226	\$20.1837	\$21.1929	\$22.2525	\$23.3652
25	Accounting Technician Human Resources Analyst Administrative Assistant						
	Annually	\$39,982.95	\$41,982.09	\$44,081.20	\$46,285.26	\$48,599.52	\$51,029.50
	Monthly	\$3,331.91	\$3,498.51	\$3,673.43	\$3,857.10	\$4,049.96	\$4,252.46
	Bi-Weekly	\$1,537.81	\$1,614.70	\$1,659.43	\$1,780.20	\$1,869.21	\$1,962.67
	Hourly	\$19.2226	\$20.1837	\$21.1929	\$22.2525	\$23.3652	\$24.5334
26	Food Services Manager						
	Annually	\$41,982.09	\$44,081.20	\$46,285.26	\$48,599.52	\$51,029.50	\$53,580.97
	Monthly	\$3,498.51	\$3,673.43	\$3,857.10	\$4,049.96	\$4,252.46	\$4,465.08
	Bi-Weekly	\$1,614.70	\$1,659.43	\$1,780.20	\$1,869.21	\$1,962.67	\$2,060.81
	Hourly	\$20.1837	\$21.1929	\$22.2525	\$23.3652	\$24.5334	\$25.7601

Grade	Position	Step A	Step B	Step C	Step D	Step E	Step F
27	Water Operator II Senior Administrative Analyst						
	Annually	\$44,081.20	\$46,285.26	\$48,599.52	\$51,029.50	\$53,580.97	\$56,260.02
	Monthly	\$3,673.43	\$3,857.10	\$4,049.96	\$4,252.46	\$4,465.08	\$4,688.33
	Bi-Weekly	\$1,659.43	\$1,780.20	\$1,869.21	\$1,962.67	\$2,060.81	\$2,163.85
	Hourly	\$21.1929	\$22.2525	\$23.3652	\$24.5334	\$25.7601	\$27.0481
28	Water Operator III Administrative Secretary						
	Annually	\$46,285.26	\$48,599.52	\$51,029.50	\$53,580.97	\$56,260.02	\$59,073.02
	Monthly	\$3,857.10	\$4,049.96	\$4,252.46	\$4,465.08	\$4,688.33	\$4,922.75
	Bi-Weekly	\$1,780.20	\$1,869.21	\$1,962.67	\$2,060.81	\$2,163.85	\$2,272.04
	Hourly	\$22.2525	\$23.3652	\$24.5334	\$25.7601	\$27.0481	\$28.4005
29							
	Annually	\$48,599.52	\$51,029.50	\$53,580.97	\$56,260.02	\$59,073.02	\$62,026.67
	Monthly	\$4,049.96	\$4,252.46	\$4,465.08	\$4,688.33	\$4,922.75	\$5,168.89
	Bi-Weekly	\$1,869.21	\$1,962.67	\$2,060.81	\$2,163.85	\$2,272.04	\$2,385.64
	Hourly	\$23.3652	\$24.5334	\$25.7601	\$27.0481	\$28.4005	\$29.8205
30	Correctional Lieutenant Program/Education Coordinator						
	Annually	\$51,029.50	\$53,580.97	\$56,260.02	\$59,073.02	\$62,026.67	\$65,128.00
	Monthly	\$4,252.46	\$4,465.08	\$4,688.33	\$4,922.75	\$5,168.89	\$5,427.33
	Bi-Weekly	\$1,962.67	\$2,060.81	\$2,163.85	\$2,272.04	\$2,385.64	\$2,504.92
	Hourly	\$24.5334	\$25.7601	\$27.0481	\$28.4005	\$29.8205	\$31.3115
31	Assistant Field Services Manager						
	Annually	\$53,580.97	\$56,260.02	\$59,073.02	\$62,026.67	\$65,128.00	\$68,384.40
	Monthly	\$4,465.08	\$4,688.33	\$4,922.75	\$5,168.89	\$5,427.33	\$5,698.70
	Bi-Weekly	\$2,060.81	\$2,163.85	\$2,272.04	\$2,385.64	\$2,504.92	\$2,630.17
	Hourly	\$25.7601	\$27.0481	\$28.4005	\$29.8205	\$31.3115	\$32.8771
32	Operations Superintendent Community Development Coordinator Economic Development Coordinator						
	Annually	\$56,260.02	\$59,073.02	\$62,026.67	\$65,128.00	\$68,384.40	\$71,803.63
	Monthly	\$4,688.33	\$4,922.75	\$5,168.89	\$5,427.33	\$5,698.70	\$5,983.64
	Bi-Weekly	\$2,163.85	\$2,272.04	\$2,385.64	\$2,504.92	\$2,630.17	\$2,761.68
	Hourly	\$27.0481	\$28.4005	\$29.8205	\$31.3115	\$32.8771	\$34.5210

Grade	Position	Step A	Step B	Step C	Step D	Step E	Step F
33							
	Annually	\$59,073.02	\$62,026.67	\$65,128.00	\$68,384.40	\$71,803.63	\$75,393.81
	Monthly	\$4,922.75	\$5,168.89	\$5,427.33	\$5,698.70	\$5,983.64	\$6,282.82
	Bi-Weekly	\$2,272.04	\$2,385.64	\$2,504.92	\$2,630.17	\$2,761.68	\$2,899.76
	Hourly	\$28.4005	\$29.8205	\$31.3115	\$32.8771	\$34.5210	\$36.2470
34	Police Lieutenant Finance Manager						
	Annually	\$62,026.67	\$65,128.00	\$68,384.40	\$71,803.63	\$75,393.81	\$79,163.50
	Monthly	\$5,168.89	\$5,427.33	\$5,698.70	\$5,983.64	\$6,282.82	\$6,596.96
	Bi-Weekly	\$2,385.64	\$2,504.92	\$2,630.17	\$2,761.68	\$2,899.76	\$3,044.75
	Hourly	\$29.8205	\$31.3115	\$32.8771	\$34.5210	\$36.2470	\$38.0594
35	Chief Plant Operator Field Services Manager Assistant to the City Manager/Deputy City Clerk						
	Annually	\$65,128.00	\$68,384.40	\$71,803.63	\$75,393.81	\$79,163.50	\$83,121.67
	Monthly	\$5,427.33	\$5,698.70	\$5,983.64	\$6,282.82	\$6,596.96	\$6,926.81
	Bi-Weekly	\$2,504.92	\$2,630.17	\$2,761.68	\$2,899.76	\$3,044.75	\$3,196.99
	Hourly	\$31.3115	\$32.8771	\$34.5210	\$36.2470	\$38.0594	\$39.9623
36	Assistant Director of Claremont Custody Center Assistant Financial Services Director						
	Annually	\$65,128.00	\$68,384.40	\$71,803.63	\$75,393.81	\$79,163.50	\$83,121.67
	Monthly	\$5,427.33	\$5,698.70	\$5,983.64	\$6,282.82	\$6,596.96	\$6,926.81
	Bi-Weekly	\$2,504.92	\$2,630.17	\$2,761.68	\$2,899.76	\$3,044.75	\$3,196.99
	Hourly	\$31.3115	\$32.8771	\$34.5210	\$36.2470	\$38.0594	\$39.9623

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Approve Resolution No. 3734 opposing Proposition 64 Adult Use of Marijuana Act
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Michael Salvador, Chief of Police

I. RECOMMENDATION:

Police Chief recommends approving Resolution No. 3734 opposing the Adult Use of Marijuana Act, Proposition 64, that will appear on the November 2016 ballot.

II. BACKGROUND:

Lt. Governor Gavin Newsom and several Northern and Southern California business interests have gathered the requisite number of signatures to place the Adult Use of Marijuana Act, Proposition 64, on the November 2016 ballot. This will legalize the use of Marijuana for recreational purposes in the State of California.

III. DISCUSSION:

The proponents of the AUMA want three things: to commercialize, normalize, and advertise recreational marijuana.

The AUMA fails public safety and health by:

1. Failing to include any quantitative measurements of impairment for individuals driving under the influence of marijuana
2. Prohibiting the licensing agency from denying a license to an applicant solely on the grounds that they have a felony narcotic conviction
3. Allowing for the complete vertical integration of the market by large players, successfully bringing “big marijuana” to California
4. Weakening local control by allowing adults to cultivate marijuana indoors
5. Allowing the industry to regulate itself and reject any regulation that it deems to be “impracticable”

An analysis of the initiative by the San Diego District Attorney’s office points out that the initiative allows persons convicted of dealing large amounts of controlled substances such as heroin, methamphetamine or cocaine to become legal marijuana dealers.

Colorado has also witnessed a 400% increase in organized crime control act filings associated with a marijuana charge since 2007. Since 2013 Colorado law enforcement has busted 88 drug cartel operations across the state; one of those busts yielded \$12 million in illegal marijuana. We can expect the same influx of illegal operators in California if this passes.

AUMA casts aside all of the protections developed by the recently adopted Medical Marijuana Regulation and Safety Act. Rather than simply applying this act to recreational marijuana, the proponents of the AUMA discarded any provision that would prohibit or stall the growth of “big

marijuana.”

A February 2016 analysis of the Adult Use of Marijuana Act conducted by UC San Francisco’s Center for Tobacco Control Research and Education finds that AUMA was written primarily to create a new business and only includes minimal protections for the public that are unlikely to prevent public health harms caused by the burgeoning marijuana industry. The report is based on the premise that treating marijuana like tobacco- legal but unwanted- under a public health framework is an appropriate response to social inequities. The AUMA does not accomplish this goal. In addition to being bad for public health, the AUMA strips the regulatory framework of hard-fought provisions found in the Medical Marijuana Regulation and Safety Act (MMRSA), such as complete local control, limits on vertical integration, a firewall around testing licenses, and strict controls on deliveries.

IV. ALTERNATIVES:

Not pass the resolution and not take a position

V. FISCAL IMPACT:

Potential of loss tax revenue due to changes in the ability to control marijuana on a local level.

ATTACHMENTS:

File Name	Description
 AUMA_opposition_Resolution.docx	Resolution 3734

RESOLUTION NO. 3734

A RESOLUTION OPPOSING THE ADULT USE OF MARIJUANA INITIATIVE – COMMERCIAL SALES OF NONMEDICAL MARIJUANA BALLOT MEASURE (Proposition 64)

WHEREAS, we are committed to the success and positive future of our community youth, and to the health and safety of our citizens; and

WHEREAS, we support efforts to decrease and prevent youth use of and exposure to non-medical marijuana and other drugs; and

WHEREAS, marijuana use can be harmful to the adolescent brain, affecting the parts of the brain that influence pleasure, memory, thinking, concentration, sensory and time perception, and coordinated movements; and

WHEREAS, a ballot measure titled the “Adult Use of Marijuana” (Proposition 64) to permit commercial sales of non-medical marijuana in California will be on the November 2016 General Election ballot, and

WHEREAS, analysis of the “Adult Use of Marijuana” initiative by the San Diego District Attorney’s office points out, “The initiative allows persons convicted of dealing large amounts of controlled substances such as heroin (up to 20,000 individual doses), methamphetamine (up to 10,000 individual doses) to become ‘legal marijuana dealers; and

WHEREAS, the analysis further notes that the initiative permits convicted felony drug dealers who have used children to courier drugs to an adult buyer to be eligible to apply for a California marijuana license; and

WHEREAS, , there are no provisions in the initiative to prevent advertising and marketing to children and teens near parks, community centers, child-focused businesses, and community colleges; and

WHEREAS, the HIDTA statistics for marijuana use in Colorado teens ages 12-17 are 74% above the national average; and

WHEREAS, the initiative allows for the indoor growing of up to six marijuana plants per residence and each plant requires 6 gallons of water per day in a state that is currently battling a drought; and

WHEREAS, in Colorado, where non-medical marijuana is legal and commercialized, marijuana-related traffic deaths increased 92% from 2010 to 2014 while all traffic deaths increased only 8 percent during the same time period; and

WHEREAS, a study released in May 2016 by AAA Foundation for Traffic Research found that Fatal crashes involving drivers who recently used marijuana doubled in Washington after the state legalized the drug.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby:

1. oppose the “Adult Use of Marijuana” California ballot measure to permit commercialization of non-medical marijuana

PASSED AND ADOPTED by the City Council of the City of Coalinga on the 4th day of August 2016, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED: _____
Mayor Ron Ramsey

ATTEST: _____
City Clerk/Deputy City Clerk

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STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Declare Firearms as Surplus Authorize Sale
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Sean Young, Police Sergeant

I. RECOMMENDATION:

Police Chief recommends Council declare the fifteen (15) Smith & Wesson, Model 66-4, revolvers and two (2) Ruger Mini-14 semi-automatic patrol rifles it has been storing from the Claremont Custody Center. as surplus and authorize the police department to sell them.

II. BACKGROUND:

Since the Claremont Custody Center is no longer housing prisoners and is currently vacant, all of the firearms that were used at the facility have been moved and are now being housed in the police department armory. With the upcoming sale of the Claremont Custody Center, these firearms are no longer needed.

III. DISCUSSION:

The department is requesting to sell these firearms and use that money to purchase new Remington 870 patrol shotguns. With the exception of two (2), the current patrol shotguns used by the police department are in excess of 16 years old. Many are starting to have parts wear out or break and are in need of replacement.

The estimated value of the Smith & Wesson Model 66-4 revolvers is about \$125 each for a total sale price of about \$1875. The estimated value of the Ruger Mini-14 rifles is about \$225 each, for a total sale price of about \$450. Total sale price for all firearms is about \$2325. These prices are the estimated value as provided by the Blue Book of Gun Values. With the sale of these firearms the department could purchase about 5 new Remington 870 shotguns. All transactions would go through a local firearms dealer.

IV. ALTERNATIVES:

The Council could not approve the sale of the old firearms at which time parts would need to be continuously purchased to keep the current shotguns in good working order.

V. FISCAL IMPACT:

With the sale of the surplus firearms, about \$2325.00 will be added to the General Fund. However, the department requests that these funds be placed into the police department's budget for the purchase of

replacement patrol shotguns.

ATTACHMENTS:

File Name	Description
No Attachments Available	

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Adoption of Resolution No. 3735 - Approving Various Fees Related to Commercial Marijuana Permitting in Accordance with Ordinance No. 786
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

The City Council adopt Resolution No. 3735 establishing all fees necessary to regulate Commercial Medical Marijuana licensing.

II. BACKGROUND:

On July 7, 2016 the City Council adopted Ordinance No. 786 permitting and establishing regulations for Commercial Medical Marijuana Operations in the City of Coalinga. Ordinance 786 authorizes the City Council to adopt specific fees related to the taxing, licensing, and on-going monitoring of said operations.

III. DISCUSSION:

Application Fees:

The Community Development Director and Police Chief have developed a comprehensive application process for licensing commercial medical marijuana operations in the City of Coalinga. After developing the process and estimating the time involved in processing such applications (application intake, file creation, DOJ backgrounds, review of security plan and site plan, pre-application meeting, badge creating and permit issuance), staff developed the following fees related to the application process:

Application Type	Fee
Pre-Application Fee	\$300
Registration Application Fee	\$2,000
Employee Permit (per employee)	\$400
Employee Permit Renewal (per employee)	\$300

Annual Regulatory Licensing Fee

In accordance with Ordinance No. 786, section (l)(2) states that all business owners shall pay an annual regulatory license fee to cover the costs of anticipated enforcement relating to the marijuana operations. City staff has developed a fee structure that represents the immediate impact to the City as it relates to commercial medical marijuana operations opening in the City of Coalinga. As discussed in the report provided by the Chief Salvador, dated August 18, 2016, the fees reflect the needs of the City for additional staffing (Records Clerk, Account Technicon, and (1) police officer position), consulting support and the purchase of a records management system. The following annual licensing fees will ensure that the commercial marijuana operations

licensed in the City of Coalinga are held to the highest of standards and quality and further safeguarding the City and its residents.

Below is the following fee schedule per license category. The fee shall be payable on or before January 1st of each calendar year. The initial license fee is payable for remaining months in the year (eg. Type 1A license issued on September 15, 2016 the total of \$30,284 will be due upon license issuance). The subsequent year's fee is due on or before January 1st of the following year and late on January 15th.

License Category	Annual Fee
Type 1A (Indoor Cultivation)	\$ 90,852
Type 2A (Indoor Cultivation)	\$ 99,815
Type 3A (Indoor Cultivation)	\$ 108,778
Type 6 (Manufacturing – nonvolatile)	\$ 117,602
Type 7 (Manufacturing – volatile)	\$ 127,602
Type 8 (Testing)	\$ 11,562
Type 11 (Distribution)	\$ 6,965
Type 12 (Transportation)	\$ 3,901
Type 4 (Nursery)	\$ 90,852
Penalties	5% on or after 1/15
	10% on or after 2/1
	\$25% on or after 3/1

Built into the regulatory license fee is cost recovery to utilize the services of SCI Consulting to provide additional support in the City's efforts of monitoring and compliance that will significantly enhance the City's ability to monitor commercial cannabis facilities in the City in a professional and efficient manner with safety and accountability as a priority.

Below is SCI's portion of the above fee that will provide te additional support needed:

License Category	SCI
Type 1A (Indoor Cultivation)	\$ 35,852
Type 2A (Indoor Cultivation)	\$ 44,815
Type 3A (Indoor Cultivation)	\$ 53,778
Type 6 (Manufacturing – nonvolatile)	\$ 62,602
Type 7 (Manufacturing – volatile)	\$ 62,602
Type 8 (Testing)	\$ 9,562
Type 11 (Distribution)	\$ 4,965
Type 12 (Transportation)	\$ 1,901
Type 4 (Nursery)	\$ 35,852

Staff has developed a number of required monitoring and compliance tasks (methodology for creation of the fees), in accordance with MMRSA and Ordinance 786, that are necessary to ensure that all medical marijuana operations operating in the City of Coalinga complying with all applicable laws.

Record Keeping – SCI CONSULTING & CITY OF COALINGA

All licensed operators shall make and maintain complete, accurate and legible records of the permitted Marijuana Operations evidencing compliance with the requirements of MMRSA and Ordinance No. 786

which shall be subject to audit. The additional tasks related to this function will include, verifying accounting (audit) and accounting practices, verification of required insurances, permits, indemnification requirements, and investigations related to violations.

-
Product Tracking (Track and Trace) – SCI CONSULTING & CITY OF COALINGA

Since the State has not developed and/or begun tracking and tracing the products from seed to sale, the local jurisdiction is responsible for tracking and tracing all plants and product. This is a very time intensive task which will be conducted at each commercial marijuana site on a random basis where the track and trace method, chosen by the City, will be verified to ensure product is handled correctly and in compliance with the establish regulations in place. This task also includes verifying state required labeling, dosage, accounting practices and independent testing of product being produced and transported in Coalinga. SCI Consulting will provide random testing of product to ensure that product being grown and manufactured in Coalinga are of the upmost quality and safe to the end user.

-
Employee Human Resources - SCI CONSULTING & CITY OF COALINGA

Human Resources plays a significant role in confirming the employees within the Commercial Medical Marijuana Industry in Coalinga are working within the requirements of the City of Coalinga and MMRSA. These tasks include registering and re-registering each employee who plans to work in the Commercial Medical Marijuana Industry within the City, ensure training processes are to industry standards, monitor employee records, random inspection and verification of employees at each facility, and further ensure compliance with state and local criteria.

The City Police Department will be responsible for registering the initial employees who will be working in the industry which will be inclusive of a work history report, live scan and subsequent review of said report for any offenses in direct conflict with MMRSA. The City will maintain an employee database (records management system) that will be monitored and shared with SCI Consulting in order for them to conduct the annual renewal process. The City plans to set a standard Commercial Medical Marijuana Employee Badge that will be required to be issued to all employees in the industry to simplify the verification process.

Community Support – CITY OF COALINGA

-
This section if the Ordinance is related to anticipated code enforcement efforts related with enforcing all of the state and local regulations related the future marijuana operations. The City of Coalinga's Code Enforcement Department and Police Department are expected to experience an impact in services due to these facilities opening from citizen, industry and possible customer complaints that will require a follow up and report. At this time staff is unsure of the expected impact but as the annual regulatory registration fee is developed, the City will take caution to ensure the City recovers its costs for enforcement and will adjust as necessary.

Operational Requirements of Facility – SCI CONSULTING & CITY OF COALINGA

-
The monitoring of the operational requirements of the commercial medical marijuana facilities plays one of the largest role in ensuring that the facilities operating in Coalinga are functioning properly and within the local and state regulatory framework. Several of the compliance measures that will be taken in this section are related to confirming signage, prohibited activities such as consumption of marijuana and alcohol on site, presents of minors, building and fire code compliance, odor control, compliance with department of public health, security compliance, monitoring manifests for deliveries and transports, water usage, disposal, and confirming proper safeguards for type 2 manufacturing facilities (volatile).

One of the most time intensive compliance items is the ongoing video monitoring of the facilities as stated in

the Coalinga ordinance language. Due to the time intensity and required equipment Neil and his team at SCI Consulting will be tasked with monitoring each facility in the City with a team of folks they have built to undertake these efforts for jurisdictions with limited resources. It is estimated that there will be about 35 hours of time spent monitoring security cameras monthly.

IV. ALTERNATIVES:

Do not adopt staffs recommended fee schedule and direct staff accordingly. In order to begin accepting applications the Council must adopt some form of fees in order to avoid subsidizing the application, monitoring and compliance of commercial marijuana operations.

V. FISCAL IMPACT:

Application and annual licensing fees will be collected to offset general fund expenses related to processing licenses and the ongoing monitoring of all commercial medical marijuana operations.

ATTACHMENTS:

File Name	Description
☐ Marijuana_Annual_Fees_Resolution_3735.doc	Resolution 3735

RESOLUTION NO. 3735

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COALINGA ESTABLISHING (1) AN ANNUAL REGULATORY FEE; (2) A MARIJUANA REGISTRATION/LICENSE/PERMIT FEE; (3) AN EMPLOYEE PERMIT APPLICATION FEE; AND (4) AN ANNUAL EMPLOYEE PERMIT RENEWAL FEE PURSUANT TO SECTION 9-5.128 OF TITLE 9, CHAPTER 5, ARTICLE 1 OF THE CITY'S DEVELOPMENT CODE

WHEREAS, Urgency Ordinance No. 786 adds Section 9-5.128 to Title 9, Chapter 5, Article 1 of the City of Coalinga's Development Code, which adopts local regulations applicable to commercial marijuana operations as may permitted under the California Medical Marijuana Regulation and Safety Act ("MMRSA"); and

WHEREAS, the City Council introduced Urgency Ordinance No. 786 on July 7, 2016, becoming effective immediately; and

WHEREAS, Section 9-5.128 authorizes the City Council to establish an annual Regulatory Fee to cover the costs of anticipated enforcement and monitoring related to marijuana operations; and

WHEREAS, Section 9-5.128 authorizes the City Council to establish a Registration/License/Permit Fee to cover the costs of registering a commercial marijuana business and ensuring initial compliance with all regulatory requirements for opening; and

WHEREAS, Section 9-5.128 authorizes the City Council to establish Employee Permit Application and Renewal Fees to cover the cost of fingerprinting, photographing, background checks as well as general review and processing of the application; and

WHEREAS, the fees are required to recover the City's total cost of both registration/license/permit administration and registration/license/permit enforcement, including, for example, completing the registration/license/permit, administering the registration/license/permit program, education, inspection and compliance checks, documentation of violations, and prosecution of violators; and

WHEREAS, City Staff has prepared an analysis of all fees, which is set forth in staff's report; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Coalinga adopts the following fees as follows:

Registration Applications

Application Type	Fee
Pre-Application Fee	\$300
Registration Application Fee	\$2,000
Employee Permit	\$400
Employee Permit Renewal	\$300

Annual Regulatory Permit Fee

License Category	Annual Fee
Type 1A (Indoor Cultivation)	\$ 90,852
Type 2A (Indoor Cultivation)	\$ 99,815
Type 3A (Indoor Cultivation)	\$ 108,778
Type 6 (Manufacturing – nonvolatile)	\$ 117,602
Type 7 (Manufacturing – volatile)	\$ 127,602
Type 8 (Testing)	\$ 11,562
Type 11 (Distribution)	\$ 6,965
Type 12 (Transportation)	\$ 3,901
Type 4 (Nursery)	\$ 90,852
Penalties	5% on or after 1/15
	10% on or after 2/1
	\$25% on or after 3/1

5. All fees shall become effective upon the adoption of this Resolution.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Coalinga held on the ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor of the City of Coalinga

ATTEST:

City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: City Council Authorization to Enter into a Professional Services Contract with SCI Consulting to Provide Monitoring and Compliance Services for Future Commercial Marijuana Licences

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Community Development Director and Police Chief are recommending that the City Council authorize the City Manager to enter into a professional services contract with SCI Consulting Group to provide cannabis-related compliance and monitoring support services.

II. BACKGROUND:

City staff has been communicating with Neil Hall of SCI Consulting Group since Coalinga began exploring the idea of permitting commercial medical marijuana operations in the City. Neil Hall and his team at SCI Consulting are at the forefront of the medical marijuana industry and fully understand the laws that regulate the industry and the challenges that jurisdictions are and will face to ensure commercial cannabis operations comply with state and local regulation.

SCI has developed and maintained a network of relationships with governmental agencies and cannabis related industry leaders in order to stay apprised to the ongoing changes in the laws and regulatory framework related to cannabis compliance and monitoring. SCI Consulting has reviewed the City of Coalinga's commercial marijuana ordinance and has assisted the City in developing a monitoring and compliance plan that would assist the City in areas that staffing is limited and resources are thin to ensure the future permitted medical marijuana operations locating in the city follow all of the rules and regulations of the MMRSA and the City Ordinances.

III. DISCUSSION:

After carefully going through the City's recently adopted ordinance and the state law MMRSA staff in conjunction with SCI Consulting have put together a monitoring and compliance plan that will significantly enhance the City's ability to monitor commercial cannabis facilities in the City in a professional and efficient manner with safety and accountability as a priority.

Staff has developed a number of required monitoring and compliance tasks, in accordance with MMRSA and Ordinance 786, that are necessary to ensure that all medical marijuana operations operating in the City of Coalinga complying with all applicable laws.

Record Keeping – SCI CONSULTING & CITY OF COALINGA

All licensed operators shall make and maintain complete, accurate and legible records of the permitted Marijuana Operations evidencing compliance with the requirements of MMRSA and Ordinance No. 786

which shall be subject to audit. The additional tasks related to this function will include, verifying accounting (audit) and accounting practices, verification of required insurances, permits, indemnification requirements, and investigations related to violations.

- Product Tracking (Track and Trace) – SCI CONSULTING

Since the State has not developed and/or begun tracking and tracing the products from seed to sale, the local jurisdiction is responsible for tracking and tracing all plants and product. This is a very time intensive task which will be conducted at each commercial marijuana site on a random basis where the track and trace method, chosen by the City, will be verified to ensure product is handled correctly and in compliance with the establish regulations in place. This task also includes verifying state required labeling, dosage, accounting practices and independent testing of product being produced in Coalinga. SCI Consulting will provide random testing of product to ensure that product being grown and manufactured in Coalinga are of the upmost quality and safe to the end user.

- Employee Human Resources - SCI CONSULTING & CITY OF COALINGA

Human Resources plays a significant role in confirming the employees within the Commercial Medical Marijuana Industry in Coalinga are working within the requirements of the City of Coalinga and MMRSA. These tasks include registering and re-registering each employee who plans to work in the Commercial Medical Marijuana Industry within the City, ensure training processes are to industry standards, monitor employee records, random inspection and verification of employees at each facility, and further ensure compliance with state and local criteria.

The City Police Department will be responsible for registering the initial employees who will be working in the industry which will be inclusive of a work history report, live scan and subsequent review of said report for any offenses in direct conflict with MMRSA. The City will maintain an employee database that will be monitored and shared with SCI Consulting in order for them to conduct the annual renewal process. The City plans to set a standard Commercial Medical Marijuana Employee Badge that will be required to be issued to all employees in the industry to simplify the verification process.

- Community Support – CITY OF COALINGA

This section if the Ordinance is related to anticipated code enforcement efforts related with enforcing all of the state and local regulations related the future marijuana operations. The City of Coalinga's Code Enforcement Department and Police Department are expected to experience an impact in services due to these facilities opening from citizen, industry and possible customer complaints that will require a follow up and report. At this time staff is unsure of the expected impact but as the annual regulatory registration fee is developed, the City will take caution to ensure the City recovers its costs for enforcement.

- Operational Requirements of Facility – SCI CONSULTING & CITY OF COALINGA

The monitoring of the operational requirements of the commercial medical marijuana facilities plays one of the largest role in ensuring that the facilities operating in Coalinga are functioning properly and within the local and state regulatory framework. Several of the compliance measures that will be taken in this section are related to signage, prohibited activities such as consumption of marijuana and alcohol on site, presents of minors, building and fire code compliance, odor control, compliance with department of public health, security compliance, monitoring manifests for deliveries and transports, water usage, disposal, and confirming proper safeguards for type 2 manufacturing facilities (volatile).

One of the most time intensive compliance items is the ongoing video monitoring of the facilities as stated in the Coalinga ordinance language. Due to the time intensity and required equipment Neil and his team will be

tasked with monitoring each facility in the City with a team of folks they have been creating to undertake these efforts for jurisdictions with limited resources.

Consulting Relationship

With the increasing interest of the Commercial Marijuana Industry developers to locate to Coalinga staff feels that it is crucial to enter into this relationship with SCI Consulting so that all of the monitoring and compliance is being conducted and confirmed to safeguard the City. This may or may not be a long term relationship as staff is increased and trained over time to undertake all of the necessary tasks related to commercial marijuana operational compliance and monitoring. The City is entering new territory and staff would like the Council to consider partnering with a group that understands the industry and all the necessary compliance measures needed to be taken.

If the Council chooses to enter into a contractual relationship with SCI Consulting all costs associated with monitoring and compliance will be borne by the marijuana facilities by category as well as cost recovery on the part of the City. All costs associated with monitoring and compliance have been incorporated into the annual regulatory registration fee that will be due by each business at the beginning of the calendar year with prorated fees due upfront if operations start before January 1. Each facility will be categorized and the annual fee will be placed according the level of monitoring and compliance necessary.

IV. ALTERNATIVES:

The City Council may choose not to enter into a contractual relationship with SCI consulting and bear the entire burden of monitoring and compliance by the City. At this time staff does not recommend this as a course of action as it would require ramping up staff with limited time as permits are expected to be issued before the city can hire personnel, develop a comprehensive compliance training program and train those new employees in monitoring. This is definitely something that can be explored in the near future as facilities open and the City gains a better understanding of operational characteristics and the level of monitoring and compliance necessary. Staff does not believe this can be done with existing employees inclusive of the proposed additional staff recommendations the Chief includes to support the City's anticipated role in the monitoring and compliance. Not having consultant support at this time would further the burden the limited staffing and the compliance efforts.

V. FISCAL IMPACT:

It is expected that the City of Coalinga and SCI Consulting will arrange a monthly invoicing plan based on individual facility sub-agreements identifying the license classifications in which each facility is categorized. The City will use the collected annual commercial marijuana registration/licensing fee as the source to reimburse consulting fees as well as cover the City's costs for its role in monitoring and compliance of each licensee. The City is estimating the following **annual** cost breakdown for each license category:

License Category	SCI	City of Coalinga	Annual Fee
Type 1A (Indoor Cultivation)	\$ 35,852	\$ 55,000	\$ 90,852
Type 2A (Indoor Cultivation)	\$ 44,815	\$ 55,000	\$ 99,815
Type 3A (Indoor Cultivation)	\$ 53,778	\$ 55,000	\$ 108,778
Type 6 (Manufacturing – nonvolatile)	\$ 62,602	\$ 55,000	\$ 117,602
Type 7 (Manufacturing – volatile)	\$ 62,602	\$ 65,000	\$ 127,602
Type 8 (Testing)	\$ 9,562	\$ 2,000	\$ 11,562
Type 11 (Distribution)	\$ 4,965	\$ 2,000	\$ 6,965

Type 12 (Transportation)	\$ 1,901	\$ 2,000	\$ 3,901
Type 4 (Nursery)	\$ 35,852	\$ 55,000	\$ 90,852

*These fees will be adopted by resolution by the City Council. Each Licensee will be charged this fee on an annual basis due at the beginning of each calendar year.

ATTACHMENTS:

File Name	Description
☐ City_of_Coalinga_Monitoring_and_Compliance_Services_Proposal_-_SOQ_Only_Updated.pdf	SCI Consulting Statement of Qualifications



PROPOSAL FOR THE

CITY OF COALINGA

TO PROVIDE

CANNABIS-RELATED CONSULTING SERVICES

JULY 2016

SUBMITTED BY

SCIConsultingGroup

**4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com**

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4745 Mangels Boulevard • Fairfield, California 94534 • Tel: 707.430.4300 • Fax: 707.430.4319

Friday, July 15, 2016

Sean Brewer, Community Development Director
City of Coalinga
155 W. Durian
Coalinga, CA 93210

Dear Sean:

SCI Consulting Group ("SCI") is pleased to submit this Statement of Qualifications for cannabis-related monitoring and compliance services to the City of Coalinga for the proposed, privately-owned and operated manufacturing and cultivation facility. Our highly qualified team with unique expertise on cannabis-related issues includes specialists in health and safety, community outreach and public opinion polling.

Our firm has identified cannabis as an emerging revenue source for cities in California. Recent passage of the Medical Marijuana Regulation and Safety Act provides clear guidelines for public agencies to implement, regulate and tax medical marijuana. We also believe an initiative will be voter-approved at the November 2016 election legalizing recreational cannabis and will effectively increase the need for local regulation and potential taxation. The opportunity for local agencies to generate additional tax revenue, restrict youth access, and reduce crime is significant and timely.

Benefits to the City of Coalinga:

- Appropriate health and safety regulations accepted and supported by the local community
- A regulated cannabis industry compliant with or exceeding State regulations
- Assured compliance with emerging industry regulations
- Integration of cannabis regulatory activities within appropriate City departments
- Cost efficient monitoring and compliance services for cannabis activities

SCI monitoring and compliance is designed to satisfy MMRSA and AUMA regulations as well as incorporate industry standards and common sense approaches. It should be noted that the cannabis industry has not yet reached full maturity in California, and as such, overall flexibility and the ability to modify monitoring and compliance strategies is critical. We feel that our firm and our team are uniquely qualified to provide the requested professional services for the following reasons:

EXPERIENCE WITH IMPLEMENTATION OF CANNABIS-RELATED REGULATION AND COMPLIANCE

SCI developed and maintains a network of relationships with government agencies and cannabis-related industry leaders, including attorneys, testing laboratories, growers, and retailers. SCI maintains these relationships and continually upgrades our knowledge base, as well as provides expertise on the elements of the cannabis industry: retail operations, cultivation, manufacturing, delivery, monitoring and compliance, legal issues, ordinance development, and state regulations. SCI staff trained at the nation's premier cannabis educational entity, Oaksterdam University in Oakland, and investigated and gathered lessons learned and best practices regarding cannabis operations in Colorado, Michigan, Washington, and British Columbia. Most importantly, SCI provides cannabis-related advice and consulting to a variety of public agencies in California regarding community support analysis, health and safety regulations, taxation, implementation; monitoring and compliance, and community outreach. SCI has conducted comprehensive cannabis-related webinars and training specifically for public officials in California. See <http://www.sci-cg.com/webinars-past.php>, and scroll down to watch our two cannabis-related webinars:

- **REVENUE AND REGULATION: A MARIJUANA PRIMER FOR PUBLIC AGENCIES IN CALIFORNIA**
- **CUTTING THROUGH THE HAZE: CREATING EFFECTIVE LOCAL AGENCY MARIJUANA POLICY IN CALIFORNIA**

Also, our current Cannabis-related consulting project with the City of Avalon included a City Council presentation at:

http://avalon.granicus.com/MediaPlayer.php?view_id=2&clip_id=150

ABILITY TO MANAGE POLITICALLY SENSITIVE ISSUES

We recognize the polarization of attitudes that surround cannabis. The medical value of cannabis is now more well-recognized, but it has not been fully accepted by entire communities. SCI will provide the conduit to shepherd this challenging political process with sensitivity, education and collaboration.

EXPERIENCE IN FRESNO COUNTY

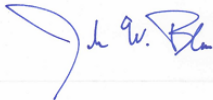
We have worked with many local agencies throughout Fresno County including the Fresno MVCD, the Easton Community Services District and the Westside Mosquito District.

SERVICE AND CLIENT SATISFACTION

Our new business comes almost entirely from word-of-mouth referrals by our clients. We highly encourage you to contact our clients who can attest to the level of service we provide, the long-term relationships we have developed, the unmatched accuracy of our survey approach, our successful experience with funding measures, our industry-leading track record of winning ballot measures, and with creating other sustainable new or increased sources of funding.

If you have any questions or require additional information, please do not hesitate to contact me. We look forward to the opportunity of assisting the City of Coalinga with successfully completing this important project.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Bliss", is written over a horizontal line. The signature is stylized with a large initial "J" and a prominent "B".

John Bliss, P.E.
Vice President

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PROJECT UNDERSTANDING AND BACKGROUND

PROJECT UNDERSTANDING

In 1996, California voters enacted Proposition 215 which legalized the use of cannabis for medical purposes. In 2003 the State legislature responded to concerns and questions over the vagueness of Proposition 215 by passing SB 420. Although SB 420 clarified some of the issues resulting from the passage of Proposition 215, many important regulatory and tax issues were left unanswered. In October, 2015, the Governor signed the Medical Marijuana Regulation and Safety Act (MMRSA), a combination of three Senate and Assembly bills that provide comprehensive administration and regulation of the medical marijuana industry.

Including California, 25 states and the District of Columbia now permit the use of medicinal marijuana. Alaska, Colorado, Oregon, Washington, and Washington D.C. have already legalized marijuana for adult recreational use. Several other states, including California, expect propositions on the 2016 ballot to legalize the adult use cannabis.

In 2015 California Lt. Governor, Gavin Newsom, established a Blue Ribbon Commission (BRC) to study California Marijuana Policy. The Commission conducted a series of seminars designed to illuminate and clarify the interests of all stakeholders regarding this issue. Much of the impetus for this project stems from this text in their report:

"...in light of the high likelihood that a marijuana legalization initiative will be placed on the 2016 California ballot, and the fact that current polling data indicates that voters are likely to approve such an initiative."

The BRC hearings combined with the Federal government's stated and written position of not using Department of Justice resources to pursue those states following Federal guidelines provides a stable legal environment that promotes the passage, regulation and adult use of cannabis in California similar to those already passed in other states.

Currently, the City of Coalinga allows no dispensaries, and one cultivation licensee and one manufacturing licensee of medical marijuana within the City limits.

TECHNICAL SERVICES AND APPROACH

MONITORING AND COMPLIANCE OPERATIONS

SCI will implement the goals and strategies developed during the project according to the timeline and make sure compliance and monitoring supports the level of Health and Safety ordinances consistent with City's and stakeholders' priorities and preferences. SCI monitoring and compliance will satisfy the most rigorous requirements and at the same time, provide a successful platform for a cannabis business owner. Status updates and routine reporting will be ongoing with special reports generated as needed. Among the elements we monitor are:

Financial: Review of all required permits, test transaction activities, review register receipts and compare with observed activity.

Product: Seed to sale tracking verification, review testing protocols and testing facility compliance (includes verification of ISO/IEC 17025:2005 certification), review disposal processes, and conduct random re-testing of product to verify and ensure accurate results.

Human Resources: Review and confirm staff applications, time cards, DOJ verification, verify training programs and safety programs.

Support Services: Assign and publish an 800 number and receive and register all complaints and questions, immediately report any violations, provide non-technical advice and direct inquiries as needed to the appropriate entity.

Facility Compliance: Provide 24 hours video monitoring of all cultivation and manufacturing facilities and conduct routine onsite inspections. Verify facilities signage, security and safety processes.

DELIVERABLES:

- Routine monitoring and compliance inspection, audits and reporting
- Complaint follow up with appropriate City of Coalinga staff
- Special reports as needed

QUALIFICATIONS AND EXPERIENCE

ABOUT SCIconSULTINGGRoup

SCIconSultingGroup is a public finance and urban economic consulting firm with 30 years of expertise in assisting public agencies in California with planning, justifying and successfully establishing new revenues for their service and capital improvement needs, and managing special levies.

SCI possesses extensive benefit assessment engineering and formation expertise, particularly for agency-wide assessments that are much more difficult to gain property owner approval than development project or neighborhood assessments. Since Proposition 218 was approved in 1996, we have successfully formed 120 agency-wide new benefit assessments, which represent the majority of all post-218 new agency-wide assessments in the State. These successful agency-wide assessments include all of the largest successful assessments in the State as well.

SCI provides year-round special tax and assessment administration services and planning services for clients throughout California. Our firm currently administers over 400 assessment and special tax districts, comprising over 10,000,000 parcels. SCI's planning projects have included hundreds of development impact studies, facility and financing plans, demographic studies, cost of service and fee justification studies, and other planning and real estate studies.

SCI also offers extensive expertise with the important legal and procedural issues involving benefit assessments, special taxes and fees. The principals at SCI are acknowledged experts on these public financing mechanisms and were involved with the cleanup legislation for Proposition 218. In addition, our firm is a frequent presenter and columnist on assessment ballot proceedings for the American Public Works Association, Association of California Water Agencies, League of California Cities, California Special Districts Association, California Fire Chiefs Association, California Stormwater Quality Association, California Parks and Recreation Society, California Association of Recreation and Park Districts, Mosquito and Vector Control Association of California, Institute for Local Self Government, California Association of Public Information Officers, Floodplain Management Association, Bay Area Open Space Coalition, California Conference of Directors of Environmental Health, Associations of Government and other organizations.



PROJECT TEAM

SCI will use a team approach for this project and will work closely and collaboratively with the City of Coalinga and other key stakeholders. Such a collaborative, team based approach helps to assure that all parties and stakeholders will work additively together to develop and implement an effective and winning game plan. If selected for this project, Neil Hall would serve as the project manager. The team for this project would include Neil Hall, Cannabis Project Leader; John Bliss, the Vice President of our firm and Senior Assessment Engineer; and Maria Adarve, Survey Consultant, and other staff.

NEIL HALL, CANNABIS PROJECT LEADER

Neil Hall brings over 40 years of intensive interaction with public agencies and communities throughout California. He is a recognized leader in municipal cannabis policy in California. As Owner and President of the Fairfield Research Group from 1995 to 2014, Mr. Hall conducted over 150 focus groups, and attitude and satisfaction surveys for various communities, political candidates, and public entities in Solano County. Mr. Hall earned a Bachelor of Arts degree in Business Management and M.B.A. from St. Mary's College.

JOHN BLISS, M.ENG., P.E., VICE PRESIDENT

John Bliss, a professional engineer and Vice President of SCI, specializes in special tax consulting, assessment engineering, special and general benefit analysis, crafting legally compliant, robust Engineer's Reports, assessment administration, cost estimating and budgeting, database design and implementation, regulatory compliance, and revenue measure formations. He has 15 years of experience in this field of expertise. Moreover, John is a recognized expert assessment engineer and Proposition 218 compliance specialist who has served as an expert witness and technical authority. He also has worked with most of the leading Proposition 218 specialized attorneys in the State, which has further expanded his professional and technical expertise.

During his tenure at SCI, Mr. Bliss has served as the responsible Assessment Engineer on over 300 Engineer's Reports for new or increased assessments – comprising more post-Proposition 218 new assessment engineering than any other assessment engineer in the State. Mr. Bliss graduated from Brown University with a Bachelor of Science Degree in Engineering, and holds a Master's Degree in Civil Engineering from The University of California, Berkeley, where he was a Regent's Scholar. He is a licensed professional Civil Engineer in the State of California and is a LEED accredited professional.

MARIA GARCIA ADARVE, SENIOR CONSULTANT

Maria Garcia-Adarve contributes over 15 years of experience in new local revenue measure balloting projects and opinion research to the SCI team. Ms. Garcia-Adarve has extensive experience with all phases of a new revenue project, from the initial feasibility analysis, to opinion research and through balloting and educational outreach. Ms. Garcia-Adarve graduated with honors from the University of Phoenix, with a Bachelor of Science degree in Business and Information Systems. Ms. Garcia-Adarve will use her expertise to provide quality assurance / quality checks.

REFERENCES

SCI's success is built on the unparalleled expertise of its employees and the conducting of successful revenue measures, as well as its commitment to customer service and long-term relationships with its clients. Below is a list of some of SCI's clients, but you are welcome to contact any of our clients. Each of them can attest to SCI's professionalism, and ability to deliver on time and on budget.

CITY OF PALMDALE

38250 Sierra Highway
Palmdale CA 93550
(661) 266-0115

CONTACT: Mike Mischel P.E. P.L.S., City Engineer

EMAIL: mmischel@cityofpalmdale.org

Initially, SCI assisted the City with a revenue measure feasibility analysis and opinion research project to measure the level of local support for a benefit assessment or special tax for parks and recreation facility improvements. This survey found good support, but not enough support at the rate required to fund all of the City's objectives. The City decided not to proceed at that time with a ballot measure at the rate that was currently supported and with only some of the improvements the City was seeking. Instead SCI worked with the City on a year-long educational outreach effort to raise awareness of the City's "Vision for the Future." After this educational outreach effort, SCI conducted another tracking survey which found that support had indeed increased due to the outreach and was now sufficient at the rate of assessment needed to fund all of the improvements.

The City subsequently hired SCI to assist the City with a city-wide landscaping and lighting assessment district formation and ballot proceeding. The ballot proceeding was highly successful. It generated the needed funding for a regional soccer complex, two swim centers, a destination family aquatics resort, park improvements, a performance amphitheater and improvements to all local parks.

Since 2002, SCI has handled the assessment administration, has prepared the annual Engineer's Report for this assessment and has made the annual assessment engineering findings for the successful continued collection of this benefit assessment.

In 2009, SCI also took over the administration of a sewer fee that was previously administered by the County. In the first year alone, SCI uncovered over \$152,000 in additional annual revenues due to previously incorrect special levy calculations and parcels that were missed but should have been subject to the sewer fee.

More recently, SCI was selected after a competitive RFP process to also take over the administration of the City's other assessments that previously had been administered by another firm. The City selected SCI because of the level of personal and responsive service we provide and the professional expertise of our special district administration team.

BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

3085 Stone Road
Bethel Island, CA 94511
(925) 684-2210
Contact: Jeff Butzlaff, Executive Director
E-mail: bimid@sbcglobal.net
Completed on schedule and within budget
SCI Lead Assessment Engineer: John Bliss

Bethel Island is the most heavily populated of the Delta islands and had suffered from severe property tax revenue deflation loss and local economic hardships, and the local population had considerable skepticism toward the local governing agency, the Bethel Island Municipal Improvement District ("BIMID"). In fact, BIMID had proposed a special tax in 2010 which was soundly defeated. To complicate matters even more, there was a long-stalled development project (called Delta Cove) that was beginning to be revived and potentially include more than one-third of all the houses on the island. Negotiations between the developer and BIMID were difficult, and the proposed assessment was a major point of contention. The community was distrustful of both BIMID and the developer.

SCI was hired to manage all aspects of a proposed new revenue mechanism in order to leverage Department of Water Resources grant funding by providing the required local funding share, and to fund inadequate maintenance. SCI realized that considerable effort would have to be made to regain credibility in the community. A comprehensive, multi-faceted community outreach plan was developed that included direct meetings with major property owners as well as community meetings where property owners could engage Board members and engineering experts. A total of four community meetings were conducted along with special one-on-one meetings with major property owners and developers.

SCI developed a proposition 218 compliant engineering approach and Engineer's Report that captured the unique attributes of depths and housing stock (i.e., many houses are built on stilts) with a strict goal to create a fair, equitable, and easy-to-understand rate structure. The rate structure was well-accepted by the community and served to help it gain widespread support.

SCI assisted the District and other project team members with outreach efforts with property owners and developers. In 2015, the Assessment was approved with over 68%, only four years after a similar tax (Measure X), managed by a different consultant, received only 41% support.

We continue to provide levy administration, and other consulting and engineering services to the District.

CITY OF VACAVILLE

650 Merchant Street
Vacaville, CA 95688
(707) 449-5145
CONTACT: Rod Moresco, Deputy Director, Public Works

EMAIL: rmoresco@ci.vacaville.ca.us

SCI was initially hired in 1996 to administer over 50 existing landscaping and lighting assessments in the City and to assist the City with Proposition 218 compliance services. Upon review of all of the existing assessments, we determined eight assessments required ballot approval to continue, pursuant to Proposition 218. SCI assisted the City with the successful ballot and assessment re-confirmation for all eight assessment districts.

In the first year of administering the assessments that previously were handled by another firm, we uncovered over \$25,000 of annual revenues that had not been correctly assessed by the previous firm. Since 1996 we have accurately and efficiently administered the City's assessments and have assisted the City with successfully establishing over 50 new Landscaping and Lighting assessment districts. The City's assessment districts currently generate over \$3 million in annual revenues for the City.

OTHER INFORMATION

EMPLOYMENT POLICIES

SCI does not and shall not discriminate against any employee in the work place or against any applicant for such employment or against any other person because of race, religion, sex, color, national origin, handicap, or age or any other arbitrary basis. SCI Consulting Group insures compliance with all civil rights laws and other related statutes.

CONFLICT OF INTEREST STATEMENTS

SCI has no known past, ongoing or potential conflicts of interest for working with the City, performing the Scope of Work or any other service for this Project.

INSURANCE

SCI carries professional Errors and Omissions insurance in the amount of \$2 million per occurrence and \$2 million aggregate. SCI also carries general liability insurance in the amount of \$2 million per occurrence and \$4 million aggregate.

INDEPENDENT CONTRACTOR

If selected, SCI shall perform all services included in this proposal as an independent contractor.

SCOPE OF WORK

In the event that the City elects to request optional, additive scope of work, SCI will work with the City to negotiate compensation for these additional tasks, and execute an Addendum to the agreement of these additional services.

RESPONSIBILITIES OF THE CITY

SCI will make every effort to minimize the workload on the City, but would need assistance, iteratively, with project overview and history, scheduling, budgeting and previous parcel information.

COORDINATION WITH CITY

SCI will coordinate services with City staff through frequent and concise communications including face-to-face, telephone and e-mail.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Explanation of Staffing and Equipment Needed to Implement Commercial Medical Marijuana in the City of Coalinga and Authorize City Manager to Fill Such Positions
Meeting Date: August 18th, 2016
From: Marissa Trejo, City Manager
Prepared by: Michael Salvador, Chief of Police

I. RECOMMENDATION:

City Manager, Police Chief, Community Development Director and Financial Services Director recommend Council authorize City Manager to fill the positions of (1) Police Officer, (1) Records Clerk, and (1) Account Clerk I in order as needed to service and regulate the Commercial Medical Marijuana Industry. Additionally, we recommend Council receive the staff report establishing the necessary positions and equipment needed.

II. BACKGROUND:

In July 2016 the City Council passed a urgency ordinance to allow for the commercial cultivation of medical marijuana in the City of Coalinga. The application process for city licenses is eminent and a process and personnel is needed to fully implement Council direction.

III. DISCUSSION:

With the passage of the ordinances facilitating the commercial medical marijuana industry in the City of Coalinga, it is now time to construct the regulatory arm of city government to efficiently handle the new work generated.

The proposed workload, to comply with MMSRA, collect tax revenue, and ensure that the industry complies with local regulations, is more than current city staff can handle. Staff estimates that Coalinga will be the home of no less than 5 companies with an employee base of nearly 200 employees. Licensing the companies and their employees becomes the greatest challenge. Without an automated system, tracking of the licenses becomes impossible.

The Police Department does not have software capable of accomplishing the task. Currently the Police Department rents a public safety software suite from the Fresno County Sheriff's Office. Although that software can house the police reports that the Department generates, it is not scalable enough or adaptable to handle the licensing required by the new industry.

The Police Department has been proactive in anticipation of this development and has engaged the public safety software industry. The Department believes that it has found suitable software that can properly track industry licenses along with enhancing the Police Department's ability to provide service to the community. The Police Department is requesting that it be allowed to purchase a new Computer aided Dispatch and Records Management software package to perform this vital compliance piece. Initial estimates are that this software will cost the City approximately \$270,000. The Department realizes that revenues will not be instant. The Police Department proposes that the software be leased over a seven year period to allow revenues to catch up. The industry's share of this impact is approximately \$50,000 per year in acquisition and maintenance costs. The Police Department will return to council with fee increases in animal control, records, and CCW's to recover their share of the new systems impact.

The entry of information into the various systems, processing of applications, live scans, application review, background checks, and compliance checks have been shown to be a labor intensive process. Staff estimates

that both City Hall and the Police Department will need clerical support accomplish those duties. After an analysis of potential workload and time need to accomplish tasks such as live scan fingerprinting and revenue processing, staff requests the hiring of a new records clerk at the Police Department and a new account technician attached to the Finance Department. These new positions cost \$71,000 per position fully weighted. Compliance with City regulations and enforcement are a necessary function. No matter how good the companies are there will be instances of criminal activity related to them. Civilian staff cannot deal with and interpret the information needed in the background checks to clear the companies and employees. An enforcement arm is a necessary activity to ensure regulatory compliance and public safety. The Police Department is requesting a new sworn police officer position be allocated to handle these duties. The cost of this position is approximately \$80,400 fully weighted.

Staff believes by adding these items will allow the City of Coalinga to have a well regulated industry that balances public safety, revenue generation, and a business friendly environment. The total projected impact to City Services to establish this new city service is approximately \$272,400.

Staff requests that Council authorize the City Manager to fill these positions so that we can move forward with accepting applications.

IV. ALTERNATIVES:

Not provide the personnel and equipment needed.

V. FISCAL IMPACT:

Increase of general fund expenditures by approximately \$272,400. Expenditures would be offset by revenue generated by fees charged for licenses.

ATTACHMENTS:

File Name

Description

No Attachments Available

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Authorize City Manager to Enter into a Contract with California Water Services to Temporarily Cover Vacant Chief Plant Operator Position
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Pete Preciado, Public Works and Utilities Director

I. RECOMMENDATION:

Public Works and Utilities Director is recommending the City Council approve the agreement between California Water Service (CWS) and the City of Coalinga to provide a licensed T4 water treatment plant operator to oversee the operation of the Water Treatment Plant.

II. BACKGROUND:

The Water Treatment Plant is required to have an operator with a T4 water treatment license as the overall primary plant operator. This requirement is set by the State Water Resources Control Board. Currently, none of the operational staff assigned to the Water Treatment Plant hold a T4 license. Staff is in the process of filling the vacant Chief Plant Operator position which requires that employee to hold a T4 license. CWS will provide the needed T4 licensed operator until the Chief Plant Operator position is filled.

III. DISCUSSION:

The water treatment facility is regulated by the State Water Resources Control Board Division of Drinking Water. The permit issued by the Board requires the City of Coalinga to have an Operator with a Water Treatment T4 license to oversee the water treatment system. Upon entering into this agreement CWS would become the Water Treatment Operator of record with the Board for the City of Coalinga.

CWS has agreed to provide a licensed T4 operator for a term of six (6) months; which can be extended if necessary.

IV. ALTERNATIVES:

The City Council may choose not to enter into a contract with CWS. However, the Water Treatment Plant will be out of compliance with its permit and the Board may take enforcement action.

V. FISCAL IMPACT:

The estimated cost of a six (6) month agreement with CWS is \$26,400. The estimated savings due to the vacancy of the Chief Plant Operator for six (6) months is \$36,000; resulting in a net savings of \$9,600.

ATTACHMENTS:

File Name	Description
📄 CWS_Proposal_for_Professional_Services.pdf	CWS Proposal for Professional Services
📄 Consultant_Services_Agreement.pdf	Consultant Services Agreement



700 W. Elm • PO Box 343 • Coalinga, CA, 93210
Ph: (559) 935-2300 • Fax: (559) 935-1347 • E-mail: office@calh2o.com

July 27th, 2016

Proposal for Professional Services

City of Coalinga
Attn: Marissa Trejo
155 W. Durian Ave
Coalinga, CA 93210

Section 1

The intent of this proposal is establish terms for California Water Services (CWS) to provide contract operation services for the CITY OF COALINGA (COC) Water Treatment Facility. The water treatment facility is regulated by the State Water Resources Control Board Division of Drinking Water (SWRCBDDW). The permit issued by the Department requires the City of Coalinga to have an Operator with a Water Treatment Grade 4 license to oversee the water treatment system. Upon entering into this agreement CWS would become the Water Treatment Operator of record with the SWRCBDDW for the City of Coalinga.

Section 2

Under this agreement CWS will provide oversight and treatment direction to the full time staff currently employed by COC. The cost of maintenance, capital improvements, staff wages and benefits will remain the responsibility of COC. Work performed by CWS staff outside the scope of the established routine duties outlined in this agreement will be invoiced at CWS hourly rates as specified in this agreement. However, CWS shall not perform such additional services until the City provides written authorization (except that such authorizations shall not be needed in an emergency); and it shall be the responsibility of CWS to request such authorization (except in an emergency, when CWS shall request it as soon as reasonably possible) Laboratory samples required by SWRCBDDW will be collected by CWS staff. CWS will provide all services under this Agreement in a professional and workmanlike manner. COC agrees that no samples required by a regulating agency related to the Water Treatment system will be collected, analyzed and submitted on the behalf of COC by any contractor other than CWS.

Section 3

The cost of maintenance and capital improvements will remain the responsibility of COC. Maintenance which has been requested in writing by COC and performed by CWS staff outside

the scope of the established routine duties outlined in this Agreement will be invoiced at CWS hourly rates as specified in this Agreement.

Section 4

The Agreement effective date will be _____, 2016. The term of this Agreement will be for six months. The contract will automatically renew at the end of six months unless either COC or CWS notifies the other party in writing before the end of the six-month term that they wish to cancel the Agreement. CWS will have the option of increasing the contract price stated in section 15 and items outlined in section 16 annually 5%.

Section 5

CWS will remain an independent contractor of the COC. This Agreement in no way shall be interpreted to create an employer/employee relationship.

Section 6

CWS shall have at the time of entering into this Agreement, and shall maintain at all times during this Agreement, the appropriate licenses to operate the COC water. CWS will comply with all relevant local, state and federal laws in fulfilling its obligations under this Agreement. CWS will indemnify and hold COC harmless from any and all costs and expenses incurred by COC in connection with (i) any breach of this Agreement by CWS, (ii) any negligence or willful misconduct on the part of CWS or its employees, or (iii) any violation by CWS of applicable local, state or federal law or regulation. Likewise, COC agrees to indemnify and hold harmless CWS and its officers, employees, and sub-consultants from any and all claims, demands, costs or liability determined by a court of competent jurisdiction to have arisen from or to be connected with the COC's negligent or deliberately wrongful acts, errors, or omissions in connection with the performance of this Agreement.

Section 7

Consultation will be available by phone during the hours of 7AM and 4PM weekdays. Operators are available to respond to emergencies 24 hours per day. CWS labor rates are outlined in section 16.

Section 8

Call out rates applies to any work performed as a result of a call out. Unscheduled repairs performed by CWS staff on regularly scheduled site visit days will be billed at the call out rate if the repair contributes or causes CWS staff completing the repair to incur overtime during their regular 8 hour shift. Refer to Section 16.

Section 9

Any non-routine or emergency events are not the responsibility of CWS. Equipment repair/replacement, laboratory sampling and chemical purchases required to rectify an emergency will be itemized separately on the monthly invoice.

Section 10

CWS will provide a 30-day notice to COC in the event that services can no longer be provided, except in the event that COC account becomes 60 days delinquent. If the COC account becomes 60 days delinquent CWS reserves the right to immediately discontinue service.

Section 11

CWS is to be included in any and all discussions with engineering/construction contractors or regulatory agencies where the performance or operating standards of the facilities CWS is the

Operator of Record for will be discussed. CWS normal consultation rates will apply except for Annual inspections with the regulating oversight agency.

Section 12

If a project is sub-contracted by CWS a description of the project along with the project price to COC from CWS will be provided without detailed equipment costs, unless detailed equipment costs are provided to CWS by the sub-contractor. CWS Labor will be billed at the listed price outlined in Section 16. CWS will remain liable for all work performed under the terms of this Agreement, regardless of whether performed by CWS or a sub-contractor.

Section 13

Engineering projects where a certified Engineers Stamp is required the Engineers terms will be agreed to and signed by COC directly. The project agreement will be between COC and the Engineering firm. CWS will charge the consultation rate outlined in section 16 while providing input and/or guidance on the project. CWS will act in conjunction with COC Staff to vet the project from an operational perspective.

Section 14

COC agrees that if COC offers employment to any current CWS employee, or any former CWS employee who was employed full-time by CWS less than twelve months before the solicitation, for employment with COC in a similar capacity to the job duties last performed for CWS, COC agrees to compensate CWS an equivalent sum to the employee's actual CWS wages for two years or two years of the COC wage and benefit package being offered, whichever is greater. However, nothing is owed by COC if CWS terminated its employee's employment or forced the employee to resign. COC will provide CWS with copies of the official employment offer letter to the current CWS employee, or the former CWS employee if solicited within Twelve months of leaving employment with CWS, upon CWS' request.

Section 15

Outline of services being provided, monthly service fee to be charged, and routine duties included in the monthly service fee. COC Staff will be given instruction by COC Public Works that the direction provided by CWS Staff is to be completed as directed. Enforcement actions by State oversight agencies resulting from failure of COC Staff to operate COC facilities in accordance with CWS Staff direction will not be the responsibility of CWS.

Wastewater Treatment System Supervision

\$ 4,400/Per month

- Includes weekly supervision visits by CWS Staff
 - Maximum of 10 hours per week

Routine Water Treatment System Supervision Duties

- Review daily water treatment plant operational data including:
 - Hours of Operators
 - Treated Water Total
 - Raw Water Quality
 - pH
 - Temperature
 - Chlorine Added for Disinfection
 - Individual Filter Turbidity
 - Chlorine Sample Point Results
 - Treated Water pH

- Treated Water Temperature
 - Chlorine Contact Time Ratio
 - Fluoride Dosage
- Direct water treatment plant operation to comply with SWRCBDDW permits, orders and directives.
- Outline operational and maintenance projects
- Visually inspect treatment plant aesthetics and equipment condition
 - Advise Public Works Director of equipment repair or replacement recommendations

Routine Administrative Duties

- Review data, sign off and submit monthly treatment plant reports to the SWRCBDDW
 - Fluoridation Operations Report
 - Water Treatment Report
 - Corrosion Control Monthly Report
 - Summary of Water Quality Complaints
 - Turbidity Instrument Calibration
 - Turbidity Report
 - Disinfection Byproduct Precursors Compliance Report
 - Distribution System Coliform Monitoring Report
- Schedule weekly, monthly and quarterly lab sample collection and arrange for analysis with an EPA approved laboratory.
- Collate laboratory results and submit them to the appropriate oversight agencies.
- Compile and mail copies of reports and laboratory results to COC.
- Maintain files in preparation for the annual oversight agency inspections.

Section 16

Fee schedule for items not included in monthly service fee outlined in section 16.

- Regular Labor
 - 1 Operator \$ 90.00/per hr.
 - 2 Operators \$ 160.00/per hr.
- CWS stock parts and materials As invoiced
- Chemicals As invoiced
- Laboratory analysis As invoiced
- Outside labor: As invoiced
- Non-Routine Service & Repairs, Overtime \$ 135.00/per hr.
 - Labor will be charged for each operator responding
 - Minimum of 4 hrs. per call out
 - Call out may be a task completed by CWS Operators outside of the routine duties identified in Section 15.
 - Request made by COC for CWS Operator to be Onsite on a non-scheduled day may be considered a call out.

- Responding to emergencies will be considered a call out.
- After 7PM weekdays, After 4PM weekends, CWS holidays
Double Overtime \$ 180.00/per hr.
 - Labor will be charged for each operator responding
 - Minimum of 4 hrs. per call out
 - Call out may be a task completed by CWS Operators outside of the routine duties identified in Section 15.
 - Request made by COC for CWS Operator to be Onsite on a non-scheduled day may be considered a call out.
 - Responding to emergencies will be considered a call out.
- Consultation (includes any research, analysis, design, or other tasks related to development of new treatment methods or systems): \$ 90.00/per hr.
- CWS will submit requests for routine maintenance or equipment purchases to COC for approval. In the event an expense is required to avoid/resolve a public health event CWS may act without COC approval. CWS will invoice COC for parts/labor/services/chemicals provided. As Invoiced
- Operations Plan Update Labor charged at consultation rate As Invoiced
- Annual Consumer Confidence Report Preparation \$500.00
- CWS Clerical Staff other than identified as routine administrative duties in this section 16 \$ 45.00 per hr.
- Facility grounds & vegetation maintenance As invoiced
 - CWS will provide COC with notice of maintenance required by State oversight agencies. If after 15 working days COC has not arranged for the maintenance to be completed or an acceptable time line for required maintenance has not been provided to CWS, COC agrees to allow CWS to arrange for the required work to be completed and COC will be invoiced after the completion of the project.

Section 17

California Water Services holds a general liability insurance policy with a general aggregate and automobile limit of \$ 4,000,000. During the term of this Agreement CWS agrees to maintain at minimum a \$1,000,000 policy. CWS will maintain applicable insurance policies during the term of the Agreement. Proof of insurance will be provided at COC request.

Section 18

An operator will be available 24 hours per day, 7 days per week to respond to emergencies. The emergency response time will be a maximum of 3 hours for CWS staff to arrive at COC facility.

Section 19

This Agreement supersedes any and all agreements, either oral or written, between CWS and COC with respect to the rendering of the outlined services, including the 2015 agreement between CWS and COC. CWS and COC acknowledges that no representations, inducements promises or agreement, oral or otherwise have been made by any party or anyone acting on the behalf of any party which are not contained in this Agreement and that no other agreements, statements or promises not contained in this Agreement will be valid or binding. Any modification of this Agreement will be effective only if it is written and signed by authorized representatives of CWS or COC.

Section 20

CWS agrees to keep confidential all non-public information and materials it learns or obtains about the business, plans, practices and policies of COC or its affiliates. CWS will not disclose such information, or use it to benefit a third party, without the prior written consent of COC. CWS agrees to require its employees and representatives to sign and abide by COC's standard business visitor's form upon entry into COC's facilities.

CITY OF COALINGA CONSULTANT SERVICES AGREEMENT

This Consultant Services Agreement ("Agreement") is entered into between the City of Coalinga, a California general law city ("City") and Tito Balling, Inc., dba California Water Services ("Consultant") with respect to the following recitals, which are a substantive part of this Agreement. This Agreement shall be effective on the date indicated in Exhibit A ("Effective Date").

RECITALS

- A. City desires to obtain services for the operation of its Water Treatment Plant as further set forth in the proposal from Consultant attached as **Exhibit A** ("Proposal") and incorporated herein by reference. If there is a conflict between the terms of the Proposal and this Agreement, this Agreement shall control.
- B. Consultant is engaged in the business of furnishing the Services and hereby warrants and represents that it is qualified, licensed, and professionally capable of performing the Services.
- C. City desires to retain Consultant, and Consultant desires to provide the City with the Services, on the terms and conditions as set forth in this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual agreements herein, City and Consultant agree as follows:

AGREEMENT

- 1. **Scope of Services.** Consultant shall perform the Services described in the Recitals.
- 2. **Commencement of Services; Term of Agreement.** Consultant shall commence the Services upon the Effective Date and shall continue with the Services until the Agreement's term expires or is not renewed under Exhibit A, or until such time as the Agreement is terminated by either party pursuant to Section 16 herein, whichever is earlier.
- 3. **Payment for Services.** City shall pay Consultant a sum not to exceed the total set forth in **Exhibit A** section 15 for the Services performed pursuant to this Agreement. Consultant shall submit monthly invoices to City containing detailed billing information regarding the Services provided and unless otherwise specified in **Exhibit A**, City shall tender payment to Consultant within thirty (30) days after receipt of invoice.
- 4. **Independent Contractor Status.** Consultant and its subcontractors shall perform the Services as independent contractors and not as officers, employees, agents or volunteers of City. Nothing contained in this Agreement shall be deemed to create any contractual relationship between City and Consultant's employees or subcontractors, nor shall anything contained in this Agreement be deemed to give any third party, including but not limited to Consultant's employees or subcontractors, any claim or right of action against City.

5. Standard of Care. Consultant expressly represents it is qualified in the field for which Services are being provided under this Agreement and that to the extent Consultant utilizes subcontractors, such subcontractors are, and will be, qualified in their fields. Consultant also expressly represents that both Consultant and its subcontractors, if any, are now, and will be throughout their performance of the Services under this Agreement, properly licensed or otherwise qualified and authorized to perform the Services required and contemplated by this Agreement. Consultant and its subcontractors, if any, shall utilize the standard of care and skill customarily exercised by members of their profession, shall use reasonable diligence and best judgment while performing the Services, and shall comply with all applicable laws and regulations.
6. Identity of Subcontractors and Sub-Consultants. No subcontractors shall be used.
7. Subcontractor Provisions. Not applicable.
8. Power to Act on Behalf of City. Consultant shall not have any right, power, or authority to create any obligation, express or implied, or make representations on behalf of City except as may be expressly authorized in advance in writing from time to time by City and then only to the extent of such authorization.
9. Record Keeping; Reports. Consultant shall keep complete records showing the type of Services performed. Consultant shall be responsible and shall require its subcontractors to keep similar records. City shall be given reasonable access to the records of Consultant and its subcontractors for inspection and audit purposes. Consultant shall provide City with a working draft of all reports and five (5) copies of all final reports prepared by Consultant under this Agreement.
10. Ownership and Inspection of Documents. All data, tests, reports, documents, conclusions, opinions, recommendations and other work product generated by or produced for Consultant or its subcontractors in connection with the Services, regardless of the medium, including physical drawings and materials recorded on computer discs ("Work Product"), shall be and remain the property of City. City shall have the right to use, copy, modify, and reuse the Work Product as it sees fit. Upon City's request, Consultant shall make available for inspection and copying all such Work Product and all Work product shall be turned over to City promptly at City's request or upon termination of this Agreement, whichever occurs first. This obligation shall survive termination of this Agreement and shall survive for four (4) years from the date of expiration or termination of this Agreement.
11. Confidentiality. All data, reports, conclusions, opinions, recommendations and other work product prepared and performed by and on behalf of Consultant in connection with the Services performed pursuant to this Agreement shall be kept confidential and shall be disclosed only to City, unless otherwise provided by law or expressly authorized by City (such as disclosures to the Drinking Water Division). Consultant shall not disclose or permit the disclosure of any confidential information acquired during performance of the Services, except to its agents, employees and subcontractors who need such confidential information in order to properly perform their duties relative to this Agreement. Consultant shall also require its subcontractors to be bound to these confidentiality provisions.

12. City Name and Logo. Consultant shall not use City's name or insignia, photographs relating to the City projects for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

13. Conflicts of Interest. Consultant warrants that neither Consultant nor any of its employees have an interest, present or contemplated, in the Services. Consultant further warrants that neither Consultant nor any of its employees have real property, business interests or income that will be affected by the Services. Consultant covenants that no person having any such interest, whether an employee or subcontractor shall perform the Services under this Agreement. During the performance of the Services, Consultant shall not employ or retain the services of any person who is employed by the City or a member of any City Board or Commission.

14. Non-liability of Officers and Employees. No officer or employee of City shall be personally liable to Consultant, or any successors in interest, in the event of a default or breach by City for any amount which may become due Consultant or its successor, or for any breach of any obligation under the terms of this Agreement.

15. City Right to Employ Other Consultants. This Agreement is non-exclusive with Consultant. City reserves the right to employ other consultants in connection with the Services, except that Consultant shall be the only chief plant operator with whom the City contracts.

16. Termination of Agreement. This Agreement shall terminate upon completion of the Services, or earlier as set forth in **Exhibit A**.

Upon receipt of a termination notice (or completion of this Agreement), Consultant shall: (i) promptly discontinue all Services affected (unless the notice directs otherwise); and (ii) deliver or otherwise make available to the City, without additional compensation, all data, documents, procedures, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Consultant in performing this Agreement, whether completed or in process. Following the termination of this Agreement for any reason whatsoever, City shall have the right to utilize such information and other documents, or any other works of authorship fixed in any tangible medium of expression, including but not limited to physical drawings, data magnetically or otherwise recorded on computer disks, or other writings prepared or caused to be prepared under this Agreement by Consultant. Consultant may not refuse to provide such writings or materials for any reason whatsoever.

17. Insurance. Consultant shall satisfy the insurance requirements set forth in **Exhibit B**.

18. Indemnity and Defense. Consultant hereby agrees to indemnify, defend and hold the City, its officials, officers, employees, agents, and volunteers harmless from and against all claims, demands, causes of action, actions, damages, losses, expenses, and other liabilities, (including without limitation reasonable attorney fees and costs of litigation) of every nature arising out of or in connection with negligent actual acts, errors, or omissions of, or breaches of this Agreement by, Consultant or its subcontractors relating to the performance of Services described herein.

City hereby agrees to indemnify, defend and hold the Consultant, its officials, officers, employees, agents, and volunteers harmless from and against all claims, demands, causes of action, actions, damages, losses, expenses, and other liabilities, (including without limitation reasonable attorney fees and costs of litigation) of every nature arising out of or in connection with negligent actual acts, errors, or omissions of, or breaches of this Agreement by, City relating to its performance of its obligations under this Agreement.

19. Assignment. Neither this Agreement nor any duties or obligations hereunder shall be assignable by Consultant without the prior written consent of City. In the event of an assignment to which City has consented, the assignee shall agree in writing to personally assume and perform the covenants, obligations, and agreements herein contained. In addition, Consultant shall not assign the payment of any monies due Consultant from City under the terms of this Agreement to any other individual, corporation or entity. City retains the right to pay any and all monies due Consultant directly to Consultant.

20. Form and Service of Notices. Any and all notices or other communications required or permitted by this Agreement or by law to be delivered to, served upon, or given to either party to this Agreement by the other party shall be in writing and shall be deemed properly delivered, served or given by one of the following methods:

a. Personally delivered to the party to whom it is directed. Service shall be deemed the date of delivery.

b. Delivered by e-mail to a known address of the party to whom it is directed, provided the e-mail is accompanied by a written acknowledgment of receipt by the other party. Service shall be deemed the date of written acknowledgement.

c. Delivery by a reliable overnight delivery service, ex., Federal Express, receipted, addressed to the addressees set forth below the signatories to this Agreement. Service shall be deemed the date of delivery.

d. Delivery by deposit in the United States mail, first class, postage prepaid. Service shall be deemed delivered seventy-two (72) hours after deposit.

21. Entire Agreement. This Agreement, including the attachments, represents the entire Agreement between City and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral with respect to the subject matter herein. This Agreement may be amended only by written instrument signed by both City and Consultant.

22. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

23. Authority. The signatories to this Agreement warrant and represent that they have the legal right, power, and authority to execute this Agreement and bind their respective entities.

24. Severability. In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted

as though such invalid or illegal provision were not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties will negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.

25. Applicable Law and Interpretation and Venue. This Agreement shall be interpreted in accordance with the laws of the State of California. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either party. This Agreement is entered into by City and Consultant in the County of Fresno, California. Consultant shall perform the Services required under this Agreement in the County of Fresno, California. Thus, in the event of litigation, venue shall only lie with the appropriate state or federal court in Fresno County.

26. Amendments and Waiver. This Agreement shall not be modified or amended in any way, and no provision shall be waived, except in writing signed by the parties hereto. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. Failure of either party to enforce any provision of this Agreement shall not constitute a waiver of the right to compel enforcement of the remaining provisions of this Agreement.

27. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.

28. Execution in Counterparts. This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy or an original, with all signatures appended together, shall be deemed a fully executed Agreement.

29. Alternative Dispute Resolution. If a dispute arises out of or relating to this Agreement, or the alleged breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within thirty (30) days, either party may pursue litigation to resolve the dispute.

Demand for mediation shall be in writing and delivered to the other party to this Agreement. A demand for mediation shall be made within reasonable time after the claim, dispute or other matter in question has arisen. In no event shall the demand for mediation be made after the date when institution of legal or equitable proceedings based on such a claim, dispute or other matter in question would be barred by California statutes of limitations.

30. Non-Discrimination. Consultant shall not discriminate on the basis of any protected class under federal or State law in the provision of the Services or with respect to any Consultant employees or applicants for employment. Consultant shall ensure that any subcontractors are bound

to this provision. A protected class, includes, but is not necessarily limited to race, color, national origin, ancestry, religion, age, sex, sexual orientation, marital status, and disability.

Now, therefore, the City and Consultant have executed this Agreement on the date(s) set forth below.

CONSULTANT

CITY OF COALINGA

By: _____

By: _____
Marissa Trejo, Interim City Manager

Date: _____

Date: _____

Party Identification and Contact Information:

Attn: _____
_____ [Mail Address]
_____ [E-Mail Address]
_____ [Phone Number]

Attn: _____
_____ [Mail Address]
_____ [E-Mail Address]
_____ [Phone Number]

ATTEST

_____, City Clerk

APPROVED AS TO FORM

_____, City Attorney

EXHIBIT A

CONSULTANT PROPOSAL

See attached.

EXHIBIT B

INSURANCE REQUIREMENTS

Prior to commencement of the Services, Consultant shall take out and maintain, at its own expense, and shall cause any subcontractor with whom Consultant contracts for the performance of Services pursuant to this Agreement to take out and maintain, the following insurance until completion of the Services or termination of this Agreement, whichever is earlier, except as otherwise required by subsection (d) below. All insurance shall be placed with insurance companies that are licensed and admitted to conduct business in the State of California and are rated at a minimum with an "A" by A.M. Best Company.

a. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

(i) Professional Liability Insurance in an amount not less than \$1,000,000.00 per occurrence. Said insurance shall be maintained at all times during Consultant's performance of Services under this Agreement, and for a period of five years following completion of Consultant's Services under this Agreement or termination of this Agreement.

(ii) General Liability Insurance (including operations, products and completed operations coverages) in an amount not less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(iii) Worker's Compensation Insurance as required by the State of California.

(iv) Business Automobile Liability Insurance in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

If Consultant maintains higher limits than the minimums shown above, the City shall be entitled to coverage at the higher limits maintained.

b. Other Insurance Provisions. The general liability policy is to contain, or be endorsed to contain, the following provisions:

(i) The City, its officers, officials, employees, agents, and volunteers are to be covered as insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the Consultant; and with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided with two endorsement forms: 1) in the form of an additional insured endorsement to the Consultant's insurance, or as a separate owner's policy (CG 20 10 11 85 or its equivalent language) and 2) a CG 20 37 10 01 endorsement form or its equivalent language. A later edition of the CG 20 10 form along with the CG 20 37 coverage form will give some protection to the entity for specific locations.

(ii) For any claims related to the Services performed pursuant to this Agreement, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

(iii) Each insurance policy required by this section shall be endorsed to state that the City shall receive written notice at least thirty (30) days prior to the cancellation, non-renewal, or material modification of the coverages required herein.

(iv) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

c. Evidence of Coverage. Consultant shall deliver to City written evidence of the above insurance coverages, including the required endorsements prior to commencing Services under this Agreement; and the production of such written evidence shall be an express condition precedent, notwithstanding anything to the contrary in this Agreement, to Consultant's right to be paid any compensation under this Agreement. City's failure, at any time, to object to Consultant's failure to provide the specified insurance or written evidence thereof (either as to the type or amount of such insurance), shall not be deemed a waiver of City's right to insist upon such insurance later.

d. Maintenance of Insurance. If Consultant fails to furnish and maintain the insurance required by this section, City may (but is not required to) purchase such insurance on behalf of Consultant, and the Consultant shall pay the cost thereof to City upon demand, and City shall furnish Consultant with any information needed to obtain such insurance. Moreover, at its discretion, City may pay for such insurance with funds otherwise due Consultant under this Agreement.

Consultant shall maintain all of the foregoing insurance coverages during the term of this Agreement, except as to (a) the products and completed operations coverage under the General Liability Insurance which shall also be maintained for a period of ten (10) years following completion of the Services by Consultant or termination of this Agreement, whichever is earlier; and (b) Professional Liability Insurance, which shall be maintained for a period of five (5) years following completion of the Services by Consultant or termination of this Agreement, whichever is earlier.

e. Indemnity and Defense. Except as otherwise expressly provided, the insurance requirements in this section shall not in any way limit, in either scope or amount, the indemnity and defense obligations separately owed by Consultant to City under this Agreement.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Request Approval of Amended Contract between the Coalinga Police Department and West Hills College to Provided Law Enforcement Services
Meeting Date: August 18th, 2016
From: Marissa Trejo, City Manager
Prepared by: Michael Salvador, Chief of Police

I. RECOMMENDATION:

The Police Chief is recommending the City Council approve the amended contract and allow the City Manager and Police Chief to sign the appropriate documents.

II. BACKGROUND:

In 2015 the City of Coalinga and the Police Department entered into a contract with West Hills Coalinga to provide campus police services to the Coalinga Campus.

III. DISCUSSION:

After the hiring of the new Police Chief in October of 2015, West Hills College wished to examine the current law enforcement contract with the Coalinga Police Department and renegotiate service levels. I participated in meetings with West Hills administration that yielded a proposed contract that better meets the needs of the college and provided a more accurate cost recovery for the City. This also extends the contract for another year to 2019.

IV. ALTERNATIVES:

Do not approve the amended contract.

V. FISCAL IMPACT:

Increased cost recovery of approx. \$15,000.

ATTACHMENTS:

File Name	Description
❏ West_Hills_Contract_First_Amended_July_1_2016.doc	Contract

FIRST AMMEDED AGREEMENT BETWEEN
THE CITY OF COALINGA
AND THE
WEST HILLS COLLEGE DISTRICT OFFICE,
WEST HILLS COLLEGE COALINGA CAMPUS
FOR
CAMPUS POLICE OFFICER

This ("Agreement") is entered into this 1ST day of July, 20165, through the 30th day of June, 2019~~May 2018~~, at the City of Coalinga, State of California between the City of Coalinga (herein after "the City"), and the West Hills College Coalinga Campus.

WITNESSETH:

WHEREAS, the parties hereto are mutually desirous of maintaining (1) sworn Coalinga Police Officer as a Campus Police Officer to be assigned primarily to deal with crime on the West Hills College Coalinga Campus and the West Hills College District office, within the City of Coalinga under the terms and conditions herein set forth; and

WHEREAS, the sworn police officer assigned to the West Hills College Campus Coalinga will have full police officer powers as designated by the state of California and defined under California Penal Code section 830.1.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. Beginning on July 1, 2016~~_____~~, ~~2015~~, the Department shall provide one (1) sworn Coalinga Police Officer to fill the position of Campus Police Officer. The Campus Police Officer will be a sworn Coalinga Police Officer employed by and under the direction of the Coalinga Police Department, with input from the Administration Designated Staff Member of the West Hills College, Coalinga Campus. The chain of command and supervision of the Campus Officer is as follows: (a) Detective Sergeant; (b) Patrol Commander; (c) Chief of Police. For campus related criminal incidents the Campus Police Officer will be under the direction of the Coalinga Police Department. If the incident involves student discipline or educational problems, the Campus Police Officer will be under the direction of the designated member of the West Hills College Coalinga Campus.
2. During the West Hills College designated school year, which covers a 12 month period of time during the Fall, Spring and Summer Terms, ~~when classes are in session~~, the Campus Police Officer is assigned to work from the West Hills College Coalinga Campus office. During school breaks, the Campus Police Officer is assigned to work from the Coalinga Police Department. During these periods of time the Campus Police Officer will respond and handle calls for service at the West Hills Coalinga Campus.

3. ~~During the West Hills College regular school year,~~ The Campus Police Officer's time shall be spent performing campus/police related duties. The duties and responsibilities of the Campus Police Officer during the ~~regular school~~ year include, but are not limited to, the following;
- (a) Investigate any criminal activity which occurs on the property of the West Hills College Coalinga Campus or the West Hills District office.
 - (b) Provide instruction to the faculty and staff of the West Hills Coalinga Campus and the West Hills District office on gangs, narcotics and crime prevention trends.
 - (c) Prepare a monthly activity report to the Department and the Administration Office of West Hills College Coalinga Campus. The Campus Police Officer will keep the Administration Staff informed of current investigations and trends that involve the students of the West Hills College Coalinga Campus, either in written or oral form, depending on the sensitivity of the investigation, and in a manner consistent with the laws that govern release of police records information.
 - (d) Provide and coordinate Police coverage for the West Hills College Coalinga Campus athletic events and social functions. Staffing levels as agreed upon by the College's Administration Staff and the Department.
 - (e) All other duties and responsibilities required of a law enforcement officer.
 - (f) The College's Administration and the Department shall work together to keep overtime to a minimum. To assure this is accomplished the Department shall have the authority to flex the Campus Police Officer's work hours for pre-designated events as agreed upon by both parties. In the event that the Campus Police Officer works any hours outside the designated work schedule, the overtime expenditures shall be reimbursed by the West Hills College District. The Campus Police Officer will be scheduled for a 40 hour workweek, 8 ~~10~~ hours per day. ~~This is commonly referred to as a 4-10 work schedule.~~ The days of the week scheduled will be agreed upon by the College's Administration and the Department. If the College or the District wishes additional days of service a Coalinga Police Officer can be scheduled at the prevailing overtime rate of pay.

(g) Nothing in this Agreement is intended to prevent the Campus Police Officer from responding to off campus emergencies when determined necessary under Departmental protocols.

4. The Campus Police Officer's duties and responsibilities are closely related to the operations of the West Hills College Coalinga Campus. The Coalinga Police Department will attempt to schedule the Campus Police Officer's vacations, compensated time off and training during the times that the West Hills College District is not in session, i.e., school holidays, winter break, and spring breaks. If this is not possible the College's Administration will be notified in advance of the Officer's absence.
5. The Campus Police Officer will receive a Coalinga Police Officer's rate of pay, as determined by the Department.
6. West Hills College District shall reimburse the City of Coalinga for the total cost to the City for this Campus Police Officer position. Those cost are as follows:

(a) Annual salary and benefits, \$~~80,400~~~~65,856.00~~.

The salary will be adjusted depending on any future negotiated agreement between the City and the Police Officer's Association.

(b) The Coalinga Police Department will provide an existing patrol vehicle for use by the Campus Police Officer. The West Hills College District will reimburse the City of Coalinga \$200.00 per month for use of this vehicle.

(c) Patrol vehicle fuel and repairs; \$2,500.00 per year.

(d) Police protective equipment and uniforms; \$2,000.00
First year cost only.

(e) Yearly uniform allowance starting the second year of the contract;
\$1,200.00

(f) The cost of this contract is to be paid in two equal payments each fiscal year for the duration of the agreement. The first payment is to be made in July with the second in January each year. If the agreement begins during a fiscal year a payment will be made at that time.

(g) The West Hills College District shall be responsible for all school related overtime incurred by the Campus Police Officer. The City shall be responsible for any additional overtime incurred by the Campus

Police Officer while performing duties not related to the West Hills College District

(h) ~~Total first year cost; \$73,956.00~~

7. During the ~~District's regular school~~ year, the District will, at its sole unreimbursed cost, provide office space, staff support, and a desktop computer as necessary and practical for the successful performance of the Campus Police Officer's performance.
8. Any educational documents or materials prepared or caused to be prepared by the Campus Police Officer pursuant to this agreement shall be the property of the District at the moment of their completed preparation. Documents related to Department investigations shall remain the property of the Department.
9. The City, The West Hills College District, and the Department shall hold harmless, defend, and indemnify the other from any liability, claims, actions, costs, damages, or losses from injury, including death, to any person or damage to any property as a result of any act or omission of the indemnifying party or its employees or agents in the performance activities under this agreement.
10. It is expressly understood and agreed by all parties that the Campus Police Officer, while engaged in carrying out and complying with any of the terms and conditions of this agreement, is an employee of the City of Coalinga and the Coalinga Police Department and not an employee of the West Hills College District.
11. This agreement is not subject to modification or amendment, except by writing executed by all parties, which writing shall expressly state that it is intended by the parties to amend the terms and conditions of this Agreement.
12. The waiver by either party of a breach by the other of any provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement.
13. Should any part of this Agreement be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either of the parties to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the

14. The laws of the State of California shall govern this Agreement and all matters relating to it.
15. Any notice to be given herein shall be written and given by either first class mail, postage prepaid, to or personal delivered to the parties herein, addressed as follows:

16. Each party shall provide the other parties with written notice of any change in address as soon as practicable.
17. This Agreement shall commence on July 1, 2016, ~~2015~~ and continue in full force for a period of three fiscal years to June 30, 2019.
18. Extension of this Agreement shall be discussed and agreed upon by both parties at least ninety (90) days prior to the expiration date of this Agreement.

WEST HILLS COLLEGE

By ~~Rene A. Ramirez~~ Marissa Trejo, City Manager By Ken Stoppenbrink,
Deputy Chancellor

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction regarding the use of the Pride Sign for Business Advertisement
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

There is no recommendation.

II. BACKGROUND:

This was requested as a Future Agenda Item by Council Member Vosburg. Staff has provided some additional information for the Council to consider when discussing this item.

III. DISCUSSION:

The Community Pride Sign was originally designed and constructed to allow non-profits and community partners to advertise community based events and services. Later in 2009, the City adopted a policy exclusively for not-for-profit entities, all governmental agencies, community service groups, and the public educational community (attached). This policy is still currently in effect. For-profit businesses were not included in the operations of the pride sign.

If the Council chooses to discuss and/or possibly consider a for profit policy, staff has attached a proposed draft for-profit policy and procedures that the Council can review and make the appropriate changes or direct staff to bring back a final policy at their next meeting. If the Council chooses to proceed with adoption of a for-profit policy staff would then prepare a fee for service and bring that recommended fee at the same time as the policy would be considered.

IV. ALTERNATIVES:

None

V. FISCAL IMPACT:

The fiscal impact will vary depending on what is discussed. The impacts will likely generate revenue as opposed to creating additional expenses.

ATTACHMENTS:

File Name

Description

- 📄 Draft_Policy_-_for_profit.doc
- 📄 Final_Policy_-_Non_profit_only.pdf

Draft For-Profit Policy
Current Pride Sign Policy

City of Coalinga DRAFT Community Pride Sign Policy (For Profit Businesses)

PURPOSE

To establish a policy and a procedure for posting messages on the City of Coalinga outdoor electronic sign at the southwest corner of the Elm Ave and Cherry Lane.

GUIDELINES

1. The Community Information Board is available for use by all governmental organizations, the public educational community, community service groups, *local not-for-profit organizations, for-profit businesses or as deemed appropriate by the City Manager.

*Messages for places of worship shall be considered with the priority of a local non-profit, and shall be admitted to the message board as long as it is announcing an event or service that is being provided for the good of the community at-large, i.e. a small food bank, clothing give-away center, etc... Messages will not be allowed that contain an advocacy for a particular church, faith, or infringe on the City's necessity to stay neutral in stance as it regards faith.

2. Use of the Community Pride Sign is on a “first come, first serve basis,” with a maximum of 6 months scheduling in advance.
3. It is the policy of the City of Coalinga to not discriminate against any participant, client, or user for any services because of race, creed, color, national origin, marital status, sex or age.
4. Notices by the City of Coalinga shall hold priority above all other postings.
5. The City shall have the authority to prioritize and change postings at any time.
6. The function of the reader board is to promote and advertise special events that benefit the community as a whole.
 - a. Advertising ongoing programs or activities is at the discretion of the City.
 - b. For-Profit Businesses are limited to the following:
 - i. Business name, logo, address, phone number, website
 - ii. Tagline/Mission Statement (Limited to (1) one line)
 - c. The intent of the reader board is not to advertise continuing/monthly meeting events or schedules outside the realm of City Business (City Council and Planning Commission Meetings will be displayed).

7. The City reserves the right to refuse to post all or any portion of a message which promotes any activity which is illegal under City, State or Federal law, or which is defamatory, misleading, fraudulent, obscene or indecent.
8. All approved sign messages will run (appear on the sign) no longer than two weeks in duration. Requests for durations longer than (2) weeks shall be submitted in writing to the Community Development Department.
9. This policy may be altered or amended by the Community Development Coordinator, with the approval of the City Manager, at any time to facilitate the Mission of the City of Coalinga.

Unacceptable types of information would include but not limited to:

1. Information which is not of general public interest;
2. Commercial Advertising; provided, that this shall not prohibit fund raising promotions and the sale of products or services by non-profit organizations and community service groups;
3. Political advertising and campaigning for issues and candidates;
4. Pornography, lewd images, or foul language;

PROCEDURES

All Community Pride Sign applications must be submitted to the City of Coalinga's Community Development Department and approved by the City Manager before any text and/or graphics are posted.

The Community Development Department will be responsible for posting and removing the information/messages in a timely manner and determining whether the requested message is consistent with this policy.

The Community Development Department will determine how information will be posted on the sign, its duration and size of message.

City of Coalinga Community Pride Sign Policy

PURPOSE

To establish a policy and a procedure for posting messages on the City of Coalinga outdoor electronic sign at the southwest corner of the Elm Ave and Cherry Lane.

GUIDELINES

1. The Community Information Board is available for use by all governmental organizations, the public educational community, community service groups, *local not-for-profit organizations.

*Messages for places of worship shall be considered with the priority of a local non-profit, and shall be admitted to the message board as long as it is announcing an event or service that is being provided for the good of the community at-large, i.e. a small food bank, clothing give-away center, etc... Messages will not be allowed that contain an advocacy for a particular church, faith, or infringe on the City's necessity to stay neutral in stance as it regards faith.

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7. The City reserves the right to refuse to post all or any portion of a message which promotes any activity which is illegal under City, State or Federal law, or which is defamatory, misleading, fraudulent, obscene or indecent.

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3. Political advertising and campaigning for issues and candidates;

PROCEDURES

All Community Pride Sign applications must be submitted to the City of Coalinga's Community Development Department and approved by the City Manager before any text and/or graphics are posted.

The Community Development Department will be responsible for posting and removing the information/messages in a timely manner and determining whether the requested message is consistent with this policy.

The Community Development Department will determine how information will be posted on the sign, its duration and size of message.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction regarding Ambulance Coverage in Huron
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. This item allows the Council to discuss options for providing ambulance coverage in Huron.

II. BACKGROUND:

Mayor Ramsey, Mayor Pro-Tem Keough, City Manager Trejo, and Acting Fire Chief Gabriel have met with Huron City Manager Jack Castro and Huron Police Chief George Turegano regarding current ambulance coverage. We also toured several locations in Huron where an ambulance and Fire Department staff could be housed.

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

There is no fiscal impact to discussing this item.

ATTACHMENTS:

File Name

Description

No Attachments Available

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Council Direction Related to Animal Raising and Keeping
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff is seeking direction from the City Council how to proceed on drafting an ordinance related to the raising and keeping of chickens and other livestock.

II. BACKGROUND:

At their previous meeting, the City Council asked staff to look into a possible ordinance where residents could raise and keep chickens and other livestock in residential districts. Staff reached out to several jurisdictions and has prepared a regulatory framework that may accomplish the Council's request. Once the Council has confirmed that they would like to move forward with an ordinance to allow chickens and possibly other livestock in residential districts, staff will bring back a formal ordinance at their next meeting for introduction.

III. DISCUSSION:

Staff has reviewed several ordinances related to the raising and keeping of chickens and other livestock and discovered that several jurisdictions allow non-commercial "urban" chickens to be raised and kept in residential districts. However, staff did not come across ordinances that allowed for livestock to be permitted in residential districts. Most jurisdictions had similar language as the city currently has as it relates to livestock (1 acre or larger, 1 per 15,000 square feet). A copy of the City's current animal keeping ordinance is attached. Also attached are several ordinances related to raising and housing chickens.

Below is staff's recommended regulatory framework for the permitting of raising and keeping chickens in an urban setting:

- Definition: "Raising and Keeping of Chickens" means the raising or keeping for educational, hobby, or non-commercial purposes domestic fowl (except for roosters and crowing fowl) on a parcel associated with single-family residential use.
- The housing and raising of chickens shall be permitted in the following zones: RE (Residential Estate), RSF (Residential Single Family), RT (Residential Traditional Neighborhood), and RMD (Residential Medium Density).
- No more than four (4) chickens shall be kept or maintained on residentially zoned property 5,000 square feet or greater and no more than two (2) additional chickens for each 1,000 square feet of area in excess of 5,000 square feet, up to a maximum of eight (8) animals.
- Roosters or other crowing fowl are prohibited.

- Chickens shall be kept in a secure coop or pen at all times. Adequate fencing, walls or other barriers shall be installed or maintained on the premises so that chickens cannot gain access to adjacent properties. A chicken coop shall be thoroughly ventilated and designed and constructed in a manner that the chickens can be securely contained. All chickens shall be confined in a pen, coop, or cage, or other enclosure at all times that is no closer than five feet to property line. Animals shall not roam-at-large.
- Animal pens or cages, including runs, shall adhere to the requirements for accessory structures and shall have a maximum height of 6 feet.
- The premises shall be maintained in a neat and sanitary manner.
- All necessary measures shall be taken by the owners of the animals to ensure that noise, odors, flies, vermin, and other nuisances related to the keeping of chickens does not negatively impact adjacent properties.
- If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the property may be subject to nuisance enforcement proceedings and discontinuation of the activity.
- OPTION: Exceptions to the maximum number of chickens and the minimum five foot setback for chicken activity are permitted upon securing the written consent of adjoining property owners and submitting it to the Planning Department.

IV. ALTERNATIVES:

None at this time as staff is seeking direction from the City Council to develop a framework of a proposed ordinance.

V. FISCAL IMPACT:

None anticipated at this time.

ATTACHMENTS:

File Name	Description
☐ City_of_Sacramento_-_Animal_Keeping_Ordinance.pdf	City of Sacramento - Animal Keeping Ordinance
☐ City_of_Antioch_-_Animal_Keeping.docx	City of Antioch - Animal Keeping
☐ Town_of_Yountville_Chicken_Ordinance.docx	Town of Yountville Chicken Ordinance
☐ Coalinga_Animal_Keeping_Ordinance.pdf	Coalinga Animal Keeping Ordinance
☐ Santa_Rosa_-_Animal_keeping.pdf	Santa Rosa - Animal keeping

ORDINANCE NO. 2011-039

Adopted by the Sacramento City Council

August 30, 2011

AN ORDINANCE AMENDING SECTION 9.44.340 AND ADDING ARTICLE XI TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO THE KEEPING OF CHICKENS, AND TO TAKE EFFECT ON NOVEMBER 1, 2011

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

- A. Subsection A of Section 9.44.340 of the Sacramento City Code is amended to read as follows:
- B. Except as provided in subsection B of this section, and in Section 9.44.350 of this chapter, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.
- C. Except as modified above, Section 9.44.340 of the Sacramento City Code shall remain unchanged and in full force and effect.

SECTION 2.

Article XI is added to Chapter 9.44 of Title 9 of the Sacramento City Code to read as follows:

Article XI. Keeping of Chickens

9.44.860 Keeping of chickens—Unlawful; Restrictions.

- A. It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the following restrictions:
 - 1. A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes, but only if authorized under a permit issued pursuant to this article.
 - 2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.
 - 3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of "dwelling unit" in

section 17.16.010 of this code shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.
5. No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.
6. No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.
- B. Roosters are not permitted on any developed lot used exclusively for residential purposes.

9.44.870 Permit Required.

It is unlawful for any person to keep, possess, or maintain any hen chicken on any lot used exclusively for residential purposes without first obtaining a permit from the animal care services manager. Permits are the property of the city and are not transferable.

9.44.880 Permit Requirements.

A. Application—Permit fee.

An application for a permit for keeping hen chickens shall be made on a form provided by the animal care services manager, shall be accompanied by payment of a nonrefundable annual permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of hen chickens; a description of all pens, coops, cages, and enclosures constructed for housing and confining hen chickens; the distance of the location of all pens, coops, cages, and enclosures from all dwelling units on adjacent parcels; and such other information as the animal care services manager reasonably deems necessary to carry out the purpose and intent of this article. The annual nonrefundable permit fee shall recover the cost of activities associated with the administration, regulation, and issuance of permits. If at any time any of the information submitted under this section becomes false or inaccurate, the permittee shall within five days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

B. Permit issuance—Term.

Upon submission of a completed application and payment of the nonrefundable annual permit fee specified in subsection A above, and if the animal care services manager finds that the proposed keeping of hen chicken(s) complies with the requirements of

article, the animal care services manager shall issue a permit. The permit shall be valid for a period of one year from the date of issuance.

C. Permit renewal.

Permits for keeping hen chickens shall be renewable annually upon the filing and approval of a new application and payment of the nonrefundable annual permit fee specified in subsection A above.

9.44.890 Regulations.

The animal care services manager may promulgate regulations pursuant to this article to protect the health, safety, and welfare of the public and to insure the proper and humane treatment of all hen chickens kept in the city. The regulations shall be effective upon approval by city council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this chapter.

9.44.900 Exceptions to restrictions.

This article XI shall not apply:

- A. To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).
- B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the city.

SECTION 3.

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective on November 1, 2011.

Adopted by the City of Sacramento City Council on August 30, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

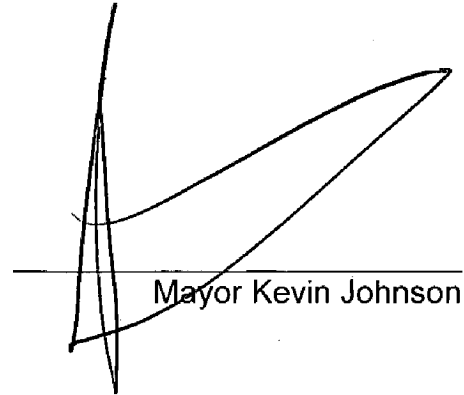
Noes: None.

Abstain: None.

Absent: Councilmember Darrell Fong

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson

Passed for Publication: August 23, 2011

Published: August 26, 2011

Effective: November 1, 2011

CITY OF ANTIOCH

§ 6-1.602 KEEPING ANIMALS AND BEES.

(A) *Number of dogs.* It is unlawful for a person to keep more than three dogs that are required to be licensed at any residence in the city, without first obtaining a multiple pet or kennel permit under § [6-1.303](#).

(B) *Number of cats.* It is unlawful for a person to keep more than five cats without a permit issued under § [6-1.601](#).

(C) *Number of fowl.*

(1) It is unlawful for a person to keep or maintain more than ten total ducks, geese, **chickens** or other fowl, without a permit issued under § [6-1.601](#). No person may keep a rooster without a permit under § [6-1.601](#).

(2) Fowl shall be kept in enclosures located a minimum of 20 feet from any dwelling, church, or school (except with permission on school premises). Such enclosures shall be maintained in a clean manner.

(D) *Rabbits.* It is unlawful for a person to keep or maintain more than ten domesticated adult rabbits on any parcel within the city, without a permit issued under § [6-1.601](#). Cages and runs shall be kept clean.

(E) *Bees.* Bees may only be kept in an agricultural or open space zoning district and with a permit from the Animal Control Supervisor. (See § [6-1.601](#).)

(F) *Three-fourths acre requirement.* It is unlawful for a person to keep or maintain a horse, mule, cow, sheep, goat, pig, or wild animal, except dogs and cats and other household pets, except in an enclosed area for the animal of not less than three-fourths of an acre, and then only with a permit. (See § [6-1.601](#).)

(G) *Racing pigeons.* A member of a recognized racing pigeon club may keep an unlimited number of banded racing pigeons or fancy birds upon obtaining a permit from the Animal Control Supervisor. (See § [6-1.601](#).) The keeping of such birds is subject to the following minimum conditions:

(1) Aviaries shall be of sound construction and properly maintained to conform with the surrounding area.

(2) The location is subject to inspection by the Animal Control Supervisor at reasonable times.

(3) Aviaries shall be cleaned regularly, maintained in a sanitary condition, and kept free of organic materials which may cause offensive odors or allow the propagation of flies and other insects.

(4) Feed shall be stored in containers which protect against rodents and insects.

(5) The cage size and specifications shall conform to the rules and regulations of the racing pigeon organization.

(Ord. 2083-C-S, passed 4-8-14)

§ 6-1.603 NO LIVESTOCK WITHIN CITY LIMITS; HORSE STABLES.

(A) No person shall stable, keep, pasture or maintain horses or bovine animals within the city, unless expressly allowed to do so by the zoning ordinance. This section does not apply to a circus, carnival, or show permitted to operate in the city.

(B) Each person who stables, keeps, pastures, or maintains a horse within the city shall keep the stable or enclosure clean and free from manure, mud, and everything of a foul and unclean nature. (Ord. 2083-C-S, passed 4-8-14)

Kind regards,
Arne

Town of Yountville

Ordinance Number 421-14

An Ordinance of the Town Council of the Town of Yountville Amending the Yountville Municipal Code to Add Chapter 6.04.080 Keeping of Chickens and to Amend Chapters 17.08 Definitions, 17.24 Single-Family Residential, 17.28 Mixed Residential, 17.32 Old Town Historic, and 17.40 Master Planned Residential to regulate the keeping of chickens.

Recitals

- A. Zoning Ordinance Chapter 17.08 contains Definitions, including certain land uses, and Chapters 17.24 Single-Family Residential, 17.28 Mixed Residential, 17.32 Old Town Historic, and 17.40 Master Planned Residential include sections listing “Permitted Uses.”
- B. The Town Council wishes to regulate the keeping of chickens and, by this Ordinance, the Town Council updates the Yountville Municipal Code to address the same.
- C. Notice of the public hearing at which the proposed Ordinance was considered has been given in accordance with the Town of Yountville Municipal Code and Section 65854 of the California Government Code.
- D. Pursuant to Section 15061(b)(3), the rulemaking activity does not have the potential for causing a significant effect on the environment and is, therefore, exempt per the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and; Section 15378(b)(2) in that the activity is a continuing administrative activity (i.e., general policy and procedure making) and is, therefore, not a project.

Now therefore, the Town Council of the Town of Yountville does ordain as follows:

- A. The following definition is added to Chapter 17.08 Definitions, Section 17.08.10:

“Keeping of Chickens” means the raising or keeping for educational, hobby, or non-commercial purposes domestic fowl (except for roosters and crowing fowl) on a parcel associated with single-family residential use.
- B. The following shall be added to sections 17.24.030 Single-Family Residential, 17.28.030 Mixed Residential, 17.32.030 Old Town Historic, and 17.40.030 Master Planned Residential “Permitted uses”:

“Keeping of Chickens” as defined in Chapter 17.08 and as regulated by Chapter 6.04.
- C. The following chapter shall be added as 6.04.080 Keeping of Chickens:

- A. No more than four (4) chickens shall be kept or maintained on residentially zoned property 5,000 square feet or greater and no more than two (2) additional chickens for each 1,000 square feet of area in excess of 5,000 square feet, up to a maximum of eight (8) animals.
- B. Roosters or other crowing fowl are prohibited.
- C. Chickens shall be kept in an enclosed or fenced side or back yard area that is no closer than five feet to property line; animals shall not roam-at-large.
- D. Animal pens or cages, including runs, shall adhere to the requirements for accessory structures.
- E. The premises shall be maintained in a neat and sanitary manner.
- F. All necessary measures shall be taken by the owners of the animals to ensure that noise, odors, flies, vermin, and other nuisances related to the keeping of chickens does not negatively impact adjacent properties.
- G. If animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the property may be subject to nuisance enforcement proceedings and discontinuation of the activity.
- H. Exceptions to the maximum number of chickens and the minimum five foot setback for chicken activity are permitted upon securing the written consent of adjoining property owners and submitting it to the Planning Department.

D. Effective Date.

This ordinance shall take effect 30 days after its final passage. Existing backyard chickens that do not comply with the terms of this Ordinance shall be brought into conformance with its provisions within 90 days of its final passage.

E. Posting.

Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council on the 7th day of January 2014; and

PASSED AND ADOPTED at a regular meeting of the Town Council on the 21st day of January, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

TOWN OF YOUNTVILLE

Michelle Dahme, Town Clerk

Ordinance Number 421-14

I, MICHELLE DAHME, TOWN CLERK of the Town of Yountville, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the Town Council on the 7th day of January, 2014. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the 21st day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michelle Dahme, Town Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, Town Attorney

Sec. 9-5.104. - Animal keeping.

(a) Animal keeping may be allowed in compliance with the following standards:

- (1) *Lots of one acre or less in all Residential, Agriculture, and Open Space Districts.* Household pets such as domestic dogs, cats, birds and fish, ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted as an accessory use to a primary residential use. Horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds or fowl, which normally constitute an agricultural use, are not allowed. At no time shall the combined number of animals kept exceed seven (7) animals. At no time shall the number of cats or dogs exceed three (3) animals.
- (2) *Lots exceeding one acre in the Residential, Agriculture, and Open Space Districts.* Household pets as defined above in Section (a)(1), Lots of One Half Acre or Less in the Residential and Agriculture District, are permitted. The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted as long as the number of animals does not exceed one per 15,000 square feet of lot area. The keeping of chickens, ducks, geese, turkeys, game birds or fowl is permitted with the total number not to exceed twelve (12) birds per gross acre. The raising of pigs is permitted in conjunction with an FFA or 4-H project for any recognized Fair, the limit being one animal per student residing on the property. All animals other than household pets shall be housed or penned at a minimum distance of thirty-five (35) feet from property lines and fifty (50) feet from any residence. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.
- (3) No predatory wild animals, roosters, endangered or protected animals are allowed to be raised within the City.
- (4) The offspring of any permitted animal may be kept until weaned, if the total number of animals allowed is not exceeded.
- (5) No animals are to be kept for commercial purposes in all Zoning Districts other than the Agriculture Zoning District.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Santa Rosa City Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 20 ZONING](#)[Division 4 Standards for Specific Land Uses](#)[Chapter 20-42 STANDARDS FOR SPECIFIC LAND USES](#)**20-42.040 Animal keeping.**

Animal keeping shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. The care and keeping of any animal shall comply with the provisions of City Code Title 7 and all applicable provisions of this Zoning Code.
- B. On any lot in a residential zoning district, or in conjunction with any residential use in any other district, a total of five animals (domestic or exotic) may be kept on one lot, of which not more than three may be dogs, and not more than one may be a pot-bellied pig. In addition to the five animal total, hens may be kept in accordance with the limitations of Table 4-1 and the development standards below.
- C. Development standards for hen keeping. All hen keeping shall be in compliance with all of the following development standards and requirements.
 1. Roosters are prohibited.
 2. Hens shall be kept in a securely fenced area within the rear yard of the residential property. A coop and pen are required.
 3. The coop and pen shall comply with the following development standards:
 - a. Setbacks. For keeping of six or fewer hens, the coop shall be set back a minimum of five feet from side or rear property lines. For keeping of more than six hens, the coop shall be set back a minimum of 10 feet from side or rear property lines. For all hen keeping, the coop shall be located a minimum of 20 feet from habitable structures on adjacent properties; greater distances are encouraged where practicable.
 - b. Coop height. Coops shall be no taller than eight feet in height.
 - c. Coop and pen design and maintenance. The coop and pen shall be designed, constructed, and maintained such that the hens are securely contained.
 - d. Ongoing maintenance and care. The coop and pen shall be maintained in a clean and sanitary condition. All enclosures shall be constructed and maintained to prevent rats or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with hen keeping shall be managed to minimize contact with rodents.

Table 4-1—Number of Hens Allowed

Lots 5,000 sq ft or less	Lots 5,001—10,000 sq ft	Lots 10,001—43,560 sq ft	Lots over one acre
3	6	6 hens per 10,000 sq ft of lot area up to 12 hens	6 hens per 10,000 square feet of lot area up to 30 hens

D. Where allowed by Division 2 (Zoning Districts and Allowable Land Uses), livestock farming shall be limited to the raising, feeding, maintaining, and breeding of livestock, subject to a minimum 20,000 square foot gross lot area and the following cumulative limitations and conditions:

1. One hog or pig per each 20,000 square feet of gross lot area; or
2. One horse or mule or cow or steer per each 20,000 square feet of gross lot area; or
3. Twenty-five chickens per each 20,000 square feet of gross lot area; or
4. Three goats or sheep or similar livestock per each 20,000 square feet of gross lot area; or
5. Ten ducks or rabbits or similar livestock per each 20,000 square feet of gross lot area; or

6. Twenty-five pigeons or 50 ornamental or song birds per each 20,000 square feet of gross lot area.

The development standards for hen keeping are not applicable to livestock farming. The lot area used to justify one class of animals shall not be used concurrently to justify another class of animals.

(Ord. 3994 § 2, 2012; Ord. 3677 § 1, 2004)

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STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction regarding Support of Coalinga Huron Unified School District Bond
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. The Mayor seeks Council direction regarding the City publicly supporting Coalinga Huron Unified School District's bond.

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name

Description

No Attachments Available

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction regarding Support of Coalinga Huron Recreation and Parks District Bond
Meeting Date: Thursday, August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. The Mayor seeks Council direction regarding the City publicly supporting Coalinga Huron Recreation and Parks District's bond.

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name

Description

No Attachments Available

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction Regarding Updating Title 10, Chapter 1 of the Coalinga Municipal Code (City Park Hours of Operation)
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Sean Brewer, Community Development Director

I. RECOMMENDATION:

The Community Development Department is seeking direction from the City Council as it relates to updating Title 10, Chapter 1 of the Coalinga Municipal Code

II. BACKGROUND:

This is a future agenda item that was asked for after some concerned citizens addressed the Council with issues related to late night activity at Centennial Park. The City Council asked that this be brought back as a future agenda item. Staff has provided some recommended language and hours for City owned parks.

Attached is copy of the City's Park's and Recreation Regulation.

III. DISCUSSION:

Title 10, Chapter 1 of the Coalinga Municipal Code regulates City Parks and Recreation. Section 10-1.06 is related to hours of use and currently states that "It shall be unlawful for any person or any group of persons, other than employees of the City engaged in its care and policing, to be or remain in any park between the hours of 12:00 midnight on any day and 6:00 a.m. of the following day".

After listening to the concerned citizens at the last Council meeting, staff has the following recommended changes to section 10-1.06:

"It shall be unlawful for any person or any group of persons, other than employees of the City engaged in its care and policing, to be or remain in any park between the hours of 10:00 p.m. on any day and 6:00 a.m. of the following day".

Additional Items: After carefully reviewing Chapter 10 the following additional housekeeping items shall be amended:

Definitions: "City Park" - needs to be amended to reflect City owned parks. Currently the definitions identify Olden Park as a City owned park based on boundary identification.

Operation of Vehicles: This section needs to be amended to remove language related to the now owned and operated CHRPD Olsen Park.

Animals (Lead or Driven): Amended to remove park locations now in the control of CHRPD.

IV. ALTERNATIVES:

None as staff is seeking direction.

V. FISCAL IMPACT:

None

ATTACHMENTS:

File Name	Description
 Title_6_Chapter_10_-_Parks_and_Recreation_Ordinance.pdf	Existing Coalinga Parks and Recreation Regulation

CHAPTER 1. - PARKS

Sec. 10-1.01. - Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- (a) "City park" shall mean the City-owned park bounded on the east by the Fresno County Maintenance Yard and the McDowell Ranch, on the south by East Polk Street, on the west by Garfield Street, and on the north by the O'Neill Ranch. "City park" shall also include the City baseball park.
- (b) "Park" shall mean and include all premises in the City used for park purposes and under the control, management, and direction of the Council.

(§ 1, Ord. 266)

Sec. 10-1.02. - Acts restricted: Permits required.

- (a) *Peddling and vending.* It shall be unlawful for any person to bring into, or cause to be brought into, for the purpose of sale or barter, or to have for sale or exchange any goods, wares, merchandise, or other thing in any park within the City without having first obtained a permit, concession, license, or lease to do so from the Finance Director.
- (b) *Distribution and posting of handbills and circulars.* It shall be unlawful for any person to distribute, or cause to be distributed, or allow or permit the distribution of any handbill, dodger, circular, booklet, card, pamphlet, sheet, or written or printed notice advertising any commodity, article, merchandise, business, activity, person, or thing in or upon any park without the prior written permission of the Police Chief. It shall be unlawful for any person to post or affix, or cause to be posted or affixed, or permit to be posted or affixed to any tree, shrub, plant, fence, building, structure, monument, wall, tablet, apparatus, pole, post, bench, or any other physical object within any park in the City any handbill, dodger, circular, booklet, card, pamphlet, sheet, or written or printed notice advertising any commodity, article, merchandise, business, person, thing, or activity without the prior written permission of the Police Chief.

(§§ 7 and 8, Ord. 266)

Sec. 10-1.03. - Acts prohibited.

It shall be unlawful for any person to do any of the following acts within any park:

- (a) To use profane, indecent or insulting language;
- (b) To do any obscene or indecent act or be indecently clad;

- (c) To throw stones or other missiles;
- (d) To fire or carry firearms;
- (e) To fire or carry any firecracker, torpedo or fireworks;
- (f) To make any fire, except at places designated by the Council for such use;
- (g) To play any game of chance or have, use, or operate any gaming table, instrument, apparatus, or equipment for such use;
- (h) To do any act tending to a breach of the public peace;
- (i) To beg or solicit contributions, gifts, or subscriptions;
- (j) To tell fortunes, read horoscopes, or practice palmistry for compensation;
- (k) To climb any wall, fence, shelter, seat, statue, building, structure, construction, or erection; and
- (l) To bring, land, or cause to descend or alight any airplane, airship, flying machine, dirigible, dirigible balloon, balloon, parachute, or other instrumentality, machine, or apparatus for aviation, except by permission of the Council.

(§ 12, Ord. 266)

Sec. 10-1.04. - Obedience to posted rules and regulations.

It shall be unlawful for any person to disobey or violate any of the rules or regulations of the Council governing the use and enjoyment by the public of any park, or governing the use and enjoyment of any building, structure, equipment, apparatus, or appliances thereto, which rules and regulations at the time are posted in some conspicuous place in the park or are on or near the buildings, structures, equipment, apparatus, or appliances to which the rules or regulations apply.

(§ 2, Ord. 266)

Sec. 10-1.05. - Obedience to signs and notices.

It shall be unlawful for any person to disobey any instruction, sign, or notice posted by the Council in any park or in any building, structure, construction, or erection therein for the control, management, or direction of such park, building, structure, construction or erection.

(§ 3, Ord. 266)

Sec. 10-1.06. - Hours of use.

It shall be unlawful for any person or any group of persons, other than employees of the City engaged in its care and policing, to be or remain in any park between the hours of 12:00 midnight on any day and 6:00 a.m. of the following day.

(§ 5, Ord. 266)

Sec. 10-1.07. - Operation of vehicles.

- (a) It shall be unlawful for any person to drive any motor vehicle within the City park, except on unimproved areas north and east of the baseball park, in such manner and at such times as may be designated by signs posted pursuant to resolution of the Council. Such restriction shall not apply to the driving of motor vehicles by employees of the City engaged in the care or policing of a park as set forth in subsection (b) of this section.
- (b) Subject to the provisions of subsection (a) of this section, it shall be unlawful for any person, other than City employees engaged in care or policing duties, to drive any motor vehicle in any park.

(§§ 6 and 6-a, Ord. 266)

Sec. 10-1.08. - Animals at large.

It shall be unlawful for any person to let loose, or permit to run loose, any horse, mule, ass, cattle, goat, sheep, swine, or other animal or fowl of any kind in or upon any park.

(§ 9, Ord. 266)

Sec. 10-1.09. - Animals: Lead or driven.

No person shall lead, drive, entice, conduct, or otherwise bring any horse, mule, ass, cattle, goat, sheep, swine, or any other animal or fowl of any kind in or upon any park. The provisions of this section shall not apply in connection with the normal use of the City stables or corrals located on the rear portion of the City park, east of the baseball park; provided, however, all animals being kept or maintained at the City stables or corrals shall be kept in such stables or corrals except when they are being taken to or from the stables or corrals or when being exercised. Such animals may be exercised on the unimproved area east and north of the ball park fence, but in such cases the animals shall be kept under control by being ridden or on a leash.

(§ 10, Ord. 266)

Sec. 10-1.10. - Garbage, rubbish and refuse.

No person shall throw, place, cast, deposit, or dump, or cause to be thrown, placed, cast, deposited, or dumped, any ashes, refuse, offal, vegetables, garbage, dross, cinders, shells, straw shavings, paper, scraps, dirt, dead animals, dead fowl, glass, crockery, bones, tin cans, or like matter, empty boxes, cartons, waste papers, remains of food, newspapers, filth, or rubbish of any kind in any park, except to place the same in the cans or receptacles provided for such matter.

(§ 11, Ord. 266)

Sec. 10-1.11. - Intoxicating beverages.

It shall be unlawful for any person to sell, consume, possess, or bring intoxicating beverages in or upon any park.

(§ 14, Ord. 266)

Sec. 10-1.12. - Trees, shrubs and plants: Damaging.

No person shall cut, break, dig up, pull up, pluck, or in any manner injure any tree, bush, shrub, flower, or plant growing in any park or in any building or structure within any park.

(§ 16, Ord. 266)

Sec. 10-1.13. - Trees, shrubs and plants: Removal.

No person shall remove or take away any tree, wood, bush, turf, flower, plant, grass, soil, rock, or anything of like kind from any park.

(§ 17, Ord. 266)

Sec. 10-1.14. - Buildings: Damaging.

No person shall destroy, mutilate, deface, cut, scratch, mark upon, write upon, print upon, or otherwise mar, mutilate, deface, or injure any building or structure, restroom, toilet, apartment, structure, wall, fence, door, fixture, or any part thereof, or any furniture, equipment, or apparatus therein, within any park.

(§ 18, Ord. 266)

Sec. 10-1.15. - Closing during emergencies.

In any emergency or when the Council shall determine that the public interest, health, morals, or safety demands such action, any park, or any part or portion thereof, may be closed against the public, and all persons may be excluded therefrom until such emergency or other reason upon which such determination of the Council is based has ceased, and, upon the cessation thereof, the park or portion thereof so closed shall be again reopened to the public by the Council.

(§ 4, Ord. 266)

Sec. 10-1.16. - Responsibility of parents and guardians.

No parent, guardian or custodian of a minor person shall permit or allow such minor person to do any act or thing in any park which act or thing is prohibited by the provisions of this chapter.

(§ 13, Ord. 266)

Sec. 10-1.17. - Violations: Removal.

All persons doing any act or thing injurious to any park shall be removed therefrom by the keeper or by the police.

(§ 15, Ord. 266)

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Review and Consider Approval of Ordinance No. 790, An Ordinance of the City Council of the City of Coalinga Amending Title 5, Chapter 15, Pertaining to the Restrictions on Personal Cultivation of Marijuana for Medical Purposes

Meeting Date: August 18th, 2016

From: Marissa Trejo, City Manager

Prepared by: Michael Salvador, Chief of Police

I. RECOMMENDATION:

Police Chief recommends reviewing and approving Ordinance No. 790, An Ordinance of the City Council of the City of Coalinga Amending Title 5, Chapter 15, Pertaining to the Restrictions on Personal Cultivation of Marijuana for Medical Purposes. If changes are approved, conduct first reading of Ordinance No. 790

II. BACKGROUND:

At the August 4th council meeting, council requested staff provide detailed changes to the Coalinga Medical Marijuana Ordinance (Title 5, Chapter 15) in regards to Restrictions on Personal Cultivation of Marijuana for Medical Purposes.

III. DISCUSSION:

The Police Department has studied the current code section, considered Council input, and drafted what it thinks is a comprehensive set of personal cannabis grow regulations that protects public safety and also allows for personal access to medical cannabis. It focuses on restricting plant count, location, and the banning of dangerous oil extraction methods.

IV. ALTERNATIVES:

Leave current language in place.

V. FISCAL IMPACT:

Possible revenue generation due to the licensing of primary care givers.

ATTACHMENTS:

File Name	Description
 ORD_No._790_081816.pdf	Ordinance No. 790

ORDINANCE NO. 790
PERSONAL CULTIVATION RESTRICTIONS ON MEDICAL MARIJUANA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: (1)
AMENDING TITLE 5, CHAPTER 15, PERTAINING TO MEDICAL MARIJUANA TO
AMMEND SECTION 5.15.03 REGULATIONS APPLICABLE TO THE PERSONAL
CULTIVATION OF MEDICAL MARIJUANA

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

Sec. 5-15.03. Regulations applicable to the Personal cultivation of medical marijuana.

To the extent that the City is required to allow the personal cultivation of medical marijuana under State law, the regulations set forth herein shall apply.

- A. *Secure enclosed structure.* The cultivation of medical marijuana shall at all times occur in a secure, locked, opaque and fully enclosed structure, including a ceiling, roof or top.
- B. *Patient cultivation.* For qualified patients and persons with identification cards, the following shall apply:
 - 1. Personal cultivation is limited to residentially zoned parcels. No personal cultivation is allowed in any commercially zoned area.
 - 2. Change the maximum amount of personal use cultivation from patient needs with no limit to a 6 plant limit per residential parcel or apartment unit.
 - 3. Require that the cultivation occur in an area with a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence/structure and designed to prevent mold and moisture.
- C. *Primary caregiver cultivation.* For primary care givers, the following shall apply: Each primary care giver may cultivate in any residential zone district, or within the grounds of a clinic, health care facility, licensed residential care facility for persons with chronic life-threatening illness or for the elderly (as defined in Health and Safety Code section 11362.7(d)(1)), or residential hospice licensed pursuant to applicable provisions of the California Health and Safety Code and located in the PO (Professional Office) district, C-AO (Administrative and Office Commercial) district, CN (Neighborhood Commercial) district, or CC (Central and Community Commercial) district, a per patient limit of no more than 6 plants is allowed. For facilities that are licensed by the state for more than 3 patients, a maximum limit of 20 plants per parcel will be allowed.
 - 1. Primary caregivers must be licensed by the City of Coalinga prior to being allowed to cultivate Medical Marijuana
 - 2. Facilities under this section must pass all security and safety requirements as set forth by the City of Coalinga.
- D. *Collective or cooperative cultivation.* The collective or cooperative cultivation of marijuana is a prohibited use in all zone districts of the City.
- E. *Marijuana Extraction.* The use of volatile or flammable chemicals to extract THC/ CBD oils by individuals to satisfy personal medical needs are prohibited.

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on **August 18, 2016**, and was passed and adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor
City of Coalinga

ATTEST:

City Clerk/Deputy City Clerk
City of Coalinga

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Ordinance No. 791: An Urgency Ordinance of the City of Coalinga Extending Interim Urgency Ordinance No. 786, an Urgency Ordinance of the City Council of the City of Coalinga: (1) Amending Title 5, Chapter 15, Pertaining to Medical Marijuana to Add a New Section 5.15.07 Removing the Current Ban on Commercial Marijuana Cultivation in the City; (2) Amending the Definitions Section of Title 9, Chapter 1, Article 2 to Address Commercial Marijuana Operations in the Context of Crop Cultivation and Industry, Limited; and (3) Amending Title 9, Chapter 5, Article 1 of the City's Development Code to Add a New Section 9-5.128 Pertaining to the Interim Standards for Commercial Marijuana Operations in the City Pending the Adoption of a Permanent Ordinance

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Mary Lerner, Assistant City Attorney

I. RECOMMENDATION:

That the City Council consider approval of Urgency Ordinance No. 791 extending interim Urgency Ordinance No. 786.

II. BACKGROUND:

On June 23, 2016, the City Council directed staff to prepare urgency ordinances related to marijuana operations within the City for adoption at the July 7, 2016 City Council meeting. On July 7, 2016, the City Council adopted Urgency Ordinance No. 786 which is effective through August 20, 2016.

On August 4, 2016, the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of Urgency Ordinance No. 786.

III. DISCUSSION:

An Urgency Ordinance can be extended for up to 10 months and 15 days upon approval of the City Council.

Urgency Ordinance No. 791 extends Urgency Ordinance No. 786 and achieves the following:

1. The ordinance removes the current ban on commercial marijuana cultivation in the City. Removing the ban will restore previously allowed uses, and in light of other commercial marijuana operations being imminent, there is a need to impose regulatory requirements on commercial marijuana operations to protect the public health, safety and welfare. Because commercial marijuana operations may be allowed by right (without a discretionary permit) in some zone districts, there is a need to ensure that the regulatory requirements are in place at the time the cultivation ban is lifted and before a commercial marijuana operation has a chance to open, which might occur before the City has had a chance to process a permanent ordinance regulating commercial marijuana operations.

2. Amends the definition section of Title 9, Chapter 1, Article 2 to address commercial marijuana operations in the context of crop cultivation and industry, limited; and

3. Adds section 9-5.128 to Title 9, Chapter 5, Article 1 of the City's Development Code. Section 9-5.128 pertains to the interim standards for commercial marijuana operations in the City pending the adoption of a permanent ordinance. The purpose of this section is to adopt local regulations applicable to commercial marijuana operations as may be permitted under the California Medical Marijuana Regulations and Safety Act ("MMRSA"), adopted on October 9, 2015, with legislative bills AB 243, AB 266 and SB 643.

Ordinance No. 791 incorporates the findings of Urgency Ordinance No. 786 including, but not limited to, the following:

1. The health and safety of medical marijuana patients/users is an immediate concern. There is an urgent and immediate need for safe product especially in light of the state's adoption of MMRSA. Ocean Grown's proposed operation will provide a safe product;
2. There is the likelihood of the Adult Use Marijuana Act ("AUMA") being approved by the voters in the November 2016 statewide ballot. If approved, AUMA would allow for the recreational use of marijuana. There is an immediate concern that multiple marijuana facilities are continually opening, especially in Southern California, to implement MMRSA and to be ready for potential recreational sales. There is a high probability that if commercial marijuana facilities are not allowed to immediately open, the City will have missed its window of opportunity;
3. The poor job market is an immediate concern. On June 2, 2016, Ocean Grown held a job fair and approximately 200 resident's submitted resumes and applications for employment. If commercial marijuana operations are allowed to immediately open in the City many of these people would become employed;
4. The Claremont facility is a continuing drain on City resources. Additionally, Ocean Grown has made a substantial offer on property which would relieve this drain on the City and allow for a substantial cash infusion to the City.

Ordinance No. 791 makes two changes to the regulatory provisions in Section 9-5.128, adopted by the Council on July 7, 2016. Subsection (d)(12) is amended to further limit the location of commercial marijuana facilities from schools to 1800 feet. Subsection (d)(18)(d) is amended to allow more flexibility with perimeter security. Both changes are in track changes format.

Ordinance No. 791 requires a 4/5 vote by the City Council. City Staff will continue to work towards preparing a permanent ordinance following additional study and analysis of the marijuana related issues including, but not limited to, AUMA and pending state regulations. The City Attorney and City Staff will provide additional information at the City Council meeting.

IV. ALTERNATIVES:

That the City Council not adopt Ordinance No. 791, and direct City Staff to proceed as previously directed through the regular ordinance and permitting process.

V. FISCAL IMPACT:

None.

ATTACHMENTS:

File Name	Description
▣ ORD#791_Urgency_Ord_Extension_Related_to_CCC_Site_Rezone_081816.pdf	Ordinance No. 791

**ORDINANCE NO. 791
COMMERCIAL MARIJUANA OPERATIONS
(Urgency Ordinance)**

AN URGENCY ORDINANCE OF THE CITY OF COALINGA EXTENDING INTERIM URGENCY ORDINANCE NO. 786, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: (1) AMENDING TITLE 5, CHAPTER 15, PERTAINING TO MEDICAL MARIJUANA TO ADD A NEW SECTION 5.15.07 REMOVING THE CURRENT BAN ON COMMERCIAL MARIJUANA CULTIVATION IN THE CITY; (2) AMENDING THE DEFINITIONS SECTION OF TITLE 9, CHAPTER 1, ARTICLE 2 TO ADDRESS COMMERCIAL MARIJUANA OPERATIONS IN THE CONTEXT OF CROP CULTIVATION AND INDUSTRY, LIMITED; AND (3) AMENDING TITLE 9, CHAPTER 5, ARTICLE 1 OF THE CITY'S DEVELOPMENT CODE TO ADD A NEW SECTION 9-5.128 PERTAINING TO THE INTERIM STANDARDS FOR COMMERCIAL MARIJUANA OPERATIONS IN THE CITY PENDING THE ADOPTION OF A PERMANENT ORDINANCE

WHEREAS, On July 7, 2016, after notice and a public hearing, the City Council of the City of Coalinga adopted urgency Ordinance No. 786, which temporarily regulates commercial marijuana cultivation, manufacturing, distribution and testing in the City of Coalinga; and

WHEREAS, section 65858 of the California Government Code and related codes provide that urgency ordinances shall expire and be of no force and effect forty-five (45) days from the date of adoption; and

WHEREAS, the statutes provide that prior to the expiration of an urgency ordinance, the City may extend an urgency ordinance for an additional ten (10) months and fifteen (15) days upon issuing a written report describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance; and

WHEREAS, on August 4, 2016, the City Council issued a written report describing the measures taken by the City to alleviate the circumstances and conditions, which led to the adoption of Urgency Ordinance No. 786, since its adoption on July 7, 2016 ("Council Report"); and

WHEREAS, based on the Council Report, the City Council has determined that the circumstances and conditions that led to the adoption of Urgency Ordinance No. 786, as set forth in the Findings for Urgency Ordinance No. 786, which are fully incorporated herein by this reference, have not been alleviated as of the date of this Ordinance and continue to create the concerns described in Urgency Ordinance No. 786; and

WHEREAS, the City Council seeks to extend Urgency Ordinance No. 786 to provide additional time to establish a permanent ordinance and to help ensure that marijuana facilities are regulated in a way that protects the community and complies with applicable law; and

WHEREAS, the purpose for extending Urgency Ordinance No. 786 is to avoid the potentially significant adverse impacts to the public's health, safety, and welfare described in Urgency Ordinance No. 786; and

WHEREAS, the City Council has determined that there is a need to extend Urgency Ordinance No. 786 for an additional ten (10) months and fifteen (15) days as authorized under section 65858 of the California Government Code and related codes; and

WHEREAS, the notice and public hearing required by the California Government Code for an extension of Urgency Ordinance No. 786 has been provided in accordance with law.

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

1. The adoption of this Ordinance extending Urgency Ordinance No. 786 is necessary for the current and immediate protection of the public health, safety, and welfare of the City and its residents for all the reasons set forth in the Recitals above, the August 4, 2016 Council Report, the Findings set forth in Urgency Ordinance No. 786, and all reports and studies submitted to the Council in connection with the adoption of Urgency Ordinance No. 786 on July 7, 2016, all of which are hereby expressly incorporated as though fully set forth herein.
2. The City continues to study the issue of the regulation of commercial marijuana operations in the City, and is evaluating further related studies, reports, and other information.
3. The adverse impacts on public health, safety, and welfare as set forth in Urgency Ordinance No. 786 can be avoided through careful study and proper planning.
4. Additional information regarding the location of commercial marijuana facilities in proximity to schools and residential areas is being acquired.
5. The required California Environmental Quality Act review related to the permanent ordinance is currently being performed.

SECTION 2. URGENCY ORDINANCE: ADOPTION OF SECTION 5-15.07.

Section 5-15.07, of Chapter 15, of Title 5, of the Coalinga Municipal Code is hereby adopted to read as follows:

Sec. 5-15.07 - Commercial Operations.

Notwithstanding anything to the contrary in this chapter, Commercial Marijuana Operations may occur as allowed by the applicable zoning and pursuant to Title 9, Chapter 5, Article 1, Standards for Specific Uses and Activities, Section 9-5.128 Marijuana Cultivation, Manufacturing, Testing, Transportation and Distribution.

SECTION 3. URGENCY ORDINANCE: AMENDMENT OF DEFINITIONS SECTION OF TITLE 9.

The Definitions of Crop Cultivation and Industry, Limited in Article 2, of Chapter 1, of Title 9, of the Coalinga Municipal Code are hereby amended to read as follows:

Article 2. - Definitions.

Crop cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries. This classification includes the cultivation of cannabis.

Industry, limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. This classification includes the processing, extraction, manufacturing, testing, distribution, and transportation of cannabis and cannabis products.

SECTION 4. URGENCY ORDINANCE: ADOPTION OF SECTION 9-5.128.

Section 9-5.128, of Article 1, of Chapter 5, of Title 9, of the Coalinga Municipal Code is hereby adopted to read as follows:

Section 9-5.128. - Marijuana Cultivation, Manufacturing, Testing, Transportation and Distribution.

*For ease of reference the complete text of
Section 9-5.128 is contained in **Exhibit A***

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

The City Council incorporates by reference the CEQA findings set forth in Urgency Ordinance No. 786.

SECTION 6. PUBLIC HEARING NOTICE.

The City published a notice of this August 18, 2016 public hearing to consider this proposed urgency ordinance and related actions in the Fresno Bee on August 5, 2016, and also posted the notice at the following locations: The Coalinga Post Office located at 218 West Durian Avenue, Coalinga, California 93210 (August 4, 2016); the Chamber of Commerce located at 265 West Elm Avenue, Coalinga, California 93210 (August 4, 2016); Coalinga City Hall located at 155 W. Durian Avenue, Coalinga, California 93210 (August 3, 2016); and the Oil Derrick located at 300 Coalinga Plaza (also known as Frame Park) (August 3, 2016). A copy of the notice is attached as **Exhibit B**.

SECTION 7: SEVERABILITY.

If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The Council hereby declares that it would have adopted this Ordinance and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE; EXTENSIONS.

This ordinance shall go into effect immediately upon the expiration of Urgency Ordinance No. 786 and thereafter be in full force and operation for a period of ten (10) months and fifteen (15) days (until July 5, 2017), unless further extended by the Council as authorized by California Government Code sections 36937 and 65858.

The foregoing Ordinance was introduced, read and adopted at a regular meeting of the City Council held on August 18, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mayor, City of Coalinga

ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT “A”

**ORDINANCE NO. 791
COMMERCIAL MARIJUANA OPERATIONS
(Urgency Ordinance)**

Coalinga Municipal Code Section 9-5.128

EXHIBIT A

Section 9-5.128. - Marijuana Cultivation, Manufacturing, Testing, Transportation and Distribution.

(a) *Purpose.* The purpose of this section is to adopt local regulations applicable to commercial marijuana operations as may be permitted under the California Medical Marijuana Regulation and Safety Act ("MMRSA"), adopted on October 9, 2015, with legislative bills AB 243, AB 266, and SB 643, or subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

(b) *Definitions.* Except as set forth herein, or where a different meaning is clearly intended by the language, the definitions set forth in MMRSA shall apply to interpretations under this section.

"Applicant" means a person who is required to file an application for a permit under this section.

"Business Owner" means the owner(s) of the Marijuana Operations. For corporations and limited liability companies, Business Owner means the President, Vice President, and any shareholder owning a 10% or greater share of the corporation or company. For partnerships, Business Owner means all general partners and managing partners.

"City" means the City of Coalinga.

"Commercial Marijuana Operation" or "Marijuana Operation" means any commercial marijuana activity allowed under MMRSA and the implementing regulations, as MMRSA and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

"Commercial Marijuana Permit" means the blanket permit to operate deemed to have been granted upon completion of Registration.

"Employee Permit" means the permit required under this section for every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/delivery related services for a Commercial Marijuana Operation.

"Non-Commercial and Recreational Marijuana Activity" means all uses not included within the definition of Commercial Marijuana Operation, including the personal use, cultivation, or consumption of marijuana, whether medical or recreational.

"Operator" means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Marijuana Operations.

“*Ordinance*” means the ordinance adopting this section, and including the terms of this section, which may be commonly referred to as the City’s “Commercial Marijuana Ordinance”.

“*Police Chief*” means the Police Chief of the City of Coalinga or his or her designee.

“*Premises*” or “*Site*” means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property.

“*Premises Owner*” means all owners of the Premises where Marijuana Operations are occurring.

“*Registration*” means completion of the requirements of this section to open a Commercial Marijuana Operation in the City.

“*Responsible Party*” shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the Marijuana Operations.

(c) *Permitted Uses and Zoning.* Businesses meeting the requirements of this section shall be allowed to conduct the following Commercial Marijuana Operations in the MBL - Light Manufacturing/Business zone district of the City:

- Cultivation.
- Processing.
- Extraction.
- Manufacturing.
- Testing.
- Distribution.
- Transportation.

The Commercial Marijuana Operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the Commercial Marijuana Operation.

Dispensaries are expressly prohibited unless approved by the voters of the City of Coalinga.

(d) *Operational Requirements and Restrictions.* The following operational requirements and restrictions shall apply to all Commercial Marijuana Operations:

(1) *MMRSA and Other State Laws.* The Marijuana Operations shall at all times be in compliance with MMRSA and the implementing regulations, as well as all required State license(s) under MMRSA, and any other applicable State law. The Operator shall obtain required MMRSA licenses prior to opening for business, or if the State is not ready to issue MMRSA licenses prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of MMRSA and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under MMRSA.

If recreational cannabis becomes lawful in California, and the Operator uses the approved Marijuana Operations for commercial recreational cannabis, the Operator shall meet or exceed the health and safety requirements of MMRSA in any operations relating to recreational marijuana.

(2) *Register of Employees.* The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief at all times immediately upon request.

(3) *Signage.* There shall be no signage or markings on the Premises, or off-site, which in any way evidences that Marijuana Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.

(4) *Marijuana Consumption.* No marijuana shall be smoked, ingested or otherwise consumed on the premises of the Marijuana Operations. Adequate signage of this prohibition shall be displayed throughout the facility.

(5) *Alcoholic Beverages.* No Marijuana Operation shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Marijuana Operations.

(6) *Transportation.* Transportation shall only be conducted according to activity permitted by State law.

(7) *Deliveries.* There shall be no deliveries from the premises except to a State or local licensed or permitted cannabis business.

(8) *Non-Commercial Marijuana Activity.* No Non-Commercial or Recreational Marijuana Activity shall occur on the premises.

(9) *Retail Sales.* The retail sale of marijuana is expressly prohibited.

(10) *Public Access.* There shall be no public access to the premises.

(11) *Minors.* It shall be unlawful for any Operator, Responsible Party, or other person in charge of any Marijuana Operations to employ any person who is not at least eighteen (18) years of age, or any older age if set by the State.

(12) *Distance separation from schools.* Marijuana Operations shall comply with the distance separation requirements from schools as required by State law. In addition, a commercial marijuana operation shall not be located within 1800 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private

school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(13) *Hours of Operation.* Commercial Marijuana Operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances.

(14) *Building and Related Codes.* The Marijuana Operation shall be subject to the following requirements:

a. The Premises in which the Marijuana Operations occur shall comply with all applicable local, state and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.

b. The Responsible Party shall ensure that the Premises has sufficient electrical load for the Marijuana Operations.

c. Butane and other flammable materials are permitted to be used for extraction and processing provided the Operator complies with all applicable fire and building codes and any other requirements of the Coalinga Fire Department to ensure the safety of that operation.

e. The Operator shall comply with requirements pertaining to use of commercial kitchen facilities for the Marijuana Operations.

f. The Operator shall comply with all environmental regulations pertaining to the Marijuana Operations, including the use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.

(15) *Odor control.* Marijuana Operations shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the outside the Premises, outside the building housing the Marijuana Operations, or anywhere on adjacent property or public rights-of-way. As such, Marijuana Operations must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness:

a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

b. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

(16) *Consumable Products.* Marijuana Operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the

State Department of Public Health for the provision of food or other comestibles, unless otherwise governed by MMRSA and licensed by the State.

(17) *Secure Building.* All Marijuana Operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures) and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid non-opaque material provided other security measures exist to ensure that the Marijuana Operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the Registration.

(18) *Premises Security.* The following security conditions shall apply:

- a. Alarm System (both perimeter, fire and panic).
- b. Remote monitoring of alarm systems.
- c. Perimeter lighting systems (motion sensor) for after-hours security.
- d. ~~Perimeter security fencing with constantina wire and lighting around the property perimeter as approved by the Police Chief and Community Development Director.~~
- e. Use of drive gates with card key access or similar to access the facility.
- f. Entrance areas to be locked at all times areas, and under the control of a designated Responsible Party.
- g. Use of access control systems to limit access to grow and processing areas.
- h. Camera systems (360 degree perimeter, interior monitoring of all access points of the site from the interior) minimum 5 mega pixel in resolution.
- i. All security systems at the site are attached to an uninterruptable power supply that provide 24 hour of power.
- j. 24 hour armed security patrols by a recognized security company licensed by the California Department of Consumer Affairs, or otherwise acceptable to the Police Chief.
- k. All current contact information regarding the security company shall be provided to the Police Chief.
- l. Law enforcement access to all security systems.

- m. IP access for remote monitoring of security cameras by the Police Department.
- n. Any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to any law enforcement agency for duplication upon demand. In addition, upon request by any law enforcement agency, the Responsible Party shall duplicate the records for that agency.
- o. Hardened bullet resistant windows for exterior windows as part of any new construction.
- p. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- q. Electronic track and trace systems for product.
- r. Premises may be audited by the City for compliance on a quarterly basis.
- s. City may conduct random spot checks of product inventories, and cash, where applicable.
- t. State of the art network security protocols and equipment need to be in place to protect computer information.
- u. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin.

Confidentiality Statement

The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the premises and video and/or audio feeds or recordings of the premises ("Recipients") may receive or be provided with confidential information relating to the Marijuana Operations, which may include the following: data, records, plans, concepts and matters relating to customers, vendors and tenants, agreements, business records including, without limitation, business records relating to intellectual property, marketing and sales plans, pricing and other business strategies (whether or not implemented); research and development plans or projects; computer materials such as programs, instructions and printouts; software including, without limitation, any source codes, object codes, algorithms and other engineering information; formulas; business improvements and processes; information regarding the skills and compensation of executives; intellectual property rights and strategies including, without limitation, any work on patents, trademarks or tradenames, prior to any filing or the use thereof in commerce; financing terms and strategies; in each case together with all reports, summaries, studies, notes, compilations, analyses and other documentation which contain or otherwise reflect or are generated from any of the foregoing, and in each case

regardless of the media in which the information is maintained (collectively “Confidential Information”).

To the extent Confidential Information is acquired without a warrant from access to the premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Premises owner, Operator, Responsible Party or business (including its employees, contractors and agents conducting business within the premises) arising from or related to the Marijuana Operations, but only to the extent it is necessary and relevant to such criminal prosecution, and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information.

Notwithstanding the foregoing, City may disclose Confidential Information:

1. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information.
2. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.

(19) *Deliveries of Supplies and Transportation of Product.* The following rules apply to the deliveries and transportation:

- a. Deliveries to the Premises of supplies shall only occur as provided for in diagram and floor plan on file with the City as part of the Registration process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Marijuana Operation.
- b. The transportation of marijuana samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting marijuana samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

(20) *Premises Maintenance.* The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The Premises or Commercial Marijuana Operation shall not be maintained in a manner that causes a public or private nuisance.

(e) *Owner/Operator Restrictions.* No Business Owner or Operator shall not open or operate a Marijuana Operation in the City if any of the following exist:

(1) The Business Owner or Operator has been issued a local or state permit related to Marijuana Operations at any other location in California, or another state, and that permit was suspended or revoked, or the Business Owner or Operator has had disciplinary action relating to the permit.

(2) The Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the Registration.

(3) The Business Owner or Operator, or any Responsible Person, has been:

- a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
- b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.
- c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
- d. Convicted of a crime involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act; or
- e. Has engaged in misconduct related to the qualifications, functions or duties of a permittee.

A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(4) The Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

(5) The Business Owner or Operator is under eighteen (18) years of age, or any older other age set by the State.

(6) The Marijuana Operation does not comply with the zoning ordinance standards of the City of Coalinga or the development standards set forth in this Title.

(7) The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

(f) *Registration and Responsible Party Designation.* Any person desiring to open a Commercial Marijuana Operation in the City shall first comply with the requirements of this subsection.

(1) *Registration.* Not less than sixty (60) days prior to the planned opening of any Marijuana Operation in the City, the Operator shall register their business with the Coalinga Police Department and provide information on a form approved by the Police Chief to ensure compliance with this Section. Within thirty (30) days of Registration, the Police Chief shall inform the Operator whether it has satisfied the requirements of this subsection, in which case the Registration process shall be completed and the Business Owner shall be deemed to have a permit to operate (Commercial Marijuana Permit). If the requirements of this subsection are not satisfied, the Registration shall be incomplete and Police Chief shall inform the Operator of the reasons for non-compliance, at which time the Operator will have an opportunity to correct any deficiencies. The Police Chief shall have thirty (30) days to review any new information and make a determination. No Marijuana Operation shall commence until the Registration is complete.

(2) *Registration Fee.* The Business Owner shall pay a fee set by Resolution of the City Council to cover the costs of Registration.

(3) *Registration Information and Responsible Party Designation.* The information required to be submitted under this subsection shall be submitted with a certification under penalty of perjury that all of the information is true and correct, and shall include at a minimum the following:

- a. The full name, present address, and telephone number of the Premises Owner, Business Owner, Operator, and Responsible Parties.
- b. Date of birth of the Business Owner, Operator, and Responsible Parties.
- c. Tax identification number of the Business Owner, Operator, and Responsible Parties.
- d. The address to which notices relating to the Registration is to be mailed.
- e. Previous addresses for the five (5) years immediately preceding the present of the Business Owner, Operator, and Responsible Parties.
- f. The height, weight, color of eyes and hair of the Business Owner, Operator, and Responsible Parties.
- g. Photographs for identification purposes (photographs shall be taken by the Police Department) of the Business Owner, Operator, and Responsible Parties.
- h. All business, occupation, or employment of the Business Owner, Operator, and Responsible Parties for the five (5) years immediately preceding the date of submittal of the registration form.
- i. The Marijuana Operation business history of the Business Owner, Operator, and Responsible Parties, including whether the Business Owner, Operator, and Responsible Parties

while previously operating in this or another city, county or state has had a marijuana related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.

j. Complete property ownership and lease details, where applicable. If the Business Owner is not the legal owner of the property, the registration form must be accompanied with a notarized acknowledgment from the owner that Marijuana Operations will occur on his or her property.

k. A descriptive business plan for the Marijuana Operation, including a detailed list of all Marijuana Operations proposed to occur on the Premises.

l. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for Marijuana Operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

m. The name or names of the person or persons having the management or supervisory responsibilities for the Marijuana Operations. The Operator shall designate one or more Responsible Parties, one of which shall at all times be available as a point of contact for the City, 24 hours per day. The contact information and schedule of the Responsible Parties shall be provided to the Police Chief and updated within two (2) hours of any changes.

n. Whether the person or persons having the management or supervisory responsibilities for the Marijuana Operation have been convicted of a crime, the nature of such offense, and the sentence received therefore.

o. The names of all employees, independent contractors, and other persons who will work at the Marijuana Operation or be involved in transportation/delivery related services for the Marijuana Operation.

p. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.

q. An accurate straight-line drawing prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Marijuana Operation and the property line of any school as set forth in the Operational Requirements.

s. Authorization for the City, its agents and employees to seek verification of the information submitted.

(4) *Criminal History Records Check.* In addition to the registration information, the Business Owner, Operator, and Responsible Parties shall submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department

(5) *Changes in Information.* Except as may otherwise be provided, the information provided in this subsection shall be updated upon any change within ten (10) days.

(g) *Location of Uses.* The Commercial Marijuana Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the Premises submitted with the Registration. The Commercial Marijuana Operation shall not operate at any place other than the address of the Marijuana Operation stated in the Registration.

(h) *Employee Permits.*

(1) *Permit Required.* Every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/delivery related services for a Marijuana Operation shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work.

(2) *Application.* Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:

- a. Name, current resident address, and telephone number.
- b. Date of birth.
- c. Tax identification number.
- d. Height, weight, color of eyes, and hair.
- e. Photographs for identification purposes (photographs shall be taken by the Police Department).
- f. Be fingerprinted by the Police Department.
- g. Such other identification and information as deemed necessary by the Police Chief.
- h. Authorization for the City, its agents and employees to seek verification of the information contained within the application.

(3) *Application Fees.* Every application for a Employee Permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general review and processing of the application.

(4) *Investigation and Action on Application.*

a. Upon the filing of a properly completed application and the payment of the fee, the Police Chief shall conduct an investigation of the application, including a background check. All applicants shall be required to submit to a fingerprint-based criminal history records check conducted by the Coalinga Police Department.

b. After the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

(5) *Term of Permit and Renewals.* Employee Permits issued under this section shall expire one (1) year following the date of issuance. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed.

(6) *Grounds for Denial of Employee Permit.* The grounds for denial of an Employee Permit shall be one or more of the following:

a. The applicant has been issued a local or state permit related to Marijuana Operations at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.

b. The applicant has been:

(i) Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or

(ii) Convicted of any of the offenses listed in Business and Professions Code section 19323; or.

(iii) Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or

(iv) Convicted of a crime involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act; or

(v) Has engaged in misconduct related to the qualifications, functions or duties of a permittee.

c. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

d. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.

e. An applicant is under eighteen (18) years of age, or any older age set by the State.

(7) *Notice of Decision and Final Action.* The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an Employee permit shall be final.

(i) *Suspension and Revocation of Registration or Employee Permit.*

(1) *Registration.* The Planning Commission may suspend or revoke the Registration of a Commercial Marijuana Operation when any of the following occur.

a. The Business Owner, Operator, or Responsible Party, or their agents have committed any one or more of the following acts: (i) any act which would be considered grounds for not opening in the first instance; (ii) engages in or permits misconduct substantially related to the qualifications, functions or duties of the Business Owner, Operator, or Responsible Party; (iii) conducts the business in a manner contrary to the health, safety, or welfare of the public; (iv) fails to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.

b. The Marijuana Operation is conducted in violation of any provision of this section or any local or State law, statute, rule or regulation relating to the Marijuana Operation.

c. The Marijuana Operation is conducted in such a manner as to create a public or private nuisance.

d. The Marijuana Operation results in excessive calls for public safety services (police and fire). Excessive calls for service shall mean calls for service which substantially exceed the average calls for service generated by similar businesses in similar areas. During any six-month period, a ten percent (10%) excess in calls for service will be presumed to be a violation of this condition.

e. Failure to pay the Regulatory Fee or Revenue Raising Fee required by this section.

(2) *Employee Permit.* The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:

- a. Any act which would be considered a ground for denial of the permit in the first instance.
- b. Violates any other provision of this section or any local or State law, statute, rule or regulation relating to his or her permitted activity.
- c. Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee.
- d. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.
- e. Fails to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.
- f. Violates or fails to comply with the terms and conditions of the permit.

(3) *Procedures for Revoking Registration.* For Registration, the procedures for revoking conditional use permits shall be utilized.

(4) *Procedures for Revoking Employee Permits.* Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an Employee Permit shall have no appeal rights and the Police Chief's decision shall be final, subject to judicial review as set forth in this section.

(5) *Immediate Suspension.* The Police Chief may immediately suspend or revoke a Registration and an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under the following circumstances:

- a. The Business Owner or Operator is convicted of a public offense in any court for the violation of any law which relates to the Marijuana Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
- b. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

(6) *Effect of Denial or Revocation.* When the Planning Commission has revoked a Registration, or the City Council upon appeal, or the Police Chief shall have denied or revoked an Employee Permit, no new registration and no new application for an Employee Permit shall be accepted and no Registration shall be deemed complete or Employee Permit issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after the action denying or revoking the Registration or Employee Permit.

(j) *Abandonment.* In addition to the suspension or revocation of a Registration, a Registration shall be deemed abandoned if Marijuana Operations cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new Registration shall be secured. The 90 day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the “public enemy”; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

(k) *Water Availability.* As a condition of opening for business, the Premises Owner, Business Owner, Operator, and all Responsible Parties shall be deemed to have acknowledged and agreed to the following if the Marijuana Operation is connected to the City’s water system.

The City's source of water comes through a contract with the Bureau of Reclamation ("Bureau"). The Bureau has indicated that it will report the use of City water for Marijuana Operations to the Department of Justice. While the City believes that supplying water to the site does not impair the Bureau contract, should the Bureau, Department of Justice, or other governing agency take actions affecting the City's Bureau contract because of the Marijuana Operation, the City may be forced to curtail or commingle water supply to the Site. Under those circumstances, the Marijuana Operation may be required to find alternative sources of water supply. If that happens, the City agrees to work with the Premises Owner, Business Owner, and Operator to find an alternative water source, which may include the commingling of water, accessing a well, or having water delivered to the Site by separate contract, but the City cannot provide any guarantees. The Premises Owner, Business Owner, and Operator assume all risk associated with water supply to the Site, including all costs associated therewith. The Premises Owner, Business Owner, Operator, and all Responsible Parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the Premises Owner, Business Owner, Operator, and all Responsible Parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

(l) *Fees and taxes.* All Marijuana Operations shall pay applicable fees and taxes, which may include one or more of the following.

(1) *Business License Fee.* The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Coalinga Municipal Code pertaining to Business Licensing.

(2) *Regulatory License Fee.* The Business Owner shall pay an annual regulatory license fee (“Regulatory Fee”) to cover the costs of anticipated enforcement relating to the Marijuana Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the Marijuana Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs.

(3) *Revenue Raising Fee.* An annual revenue raising fee (“Revenue Fee”) for the privilege of having the right to operate in the City.

Revenue Fee Finding

The City Council specifically finds that it is approving this Ordinance allowing Commercial Marijuana Operations to open in the City on the express understanding that the business will pay the Revenue Fee to the City as set forth herein, and that without the Revenue Fee, the City Council would not have adopted this Ordinance allowing Commercial Marijuana Operations to open in the City. By opening a Commercial Marijuana Operation in the City, the Premise Owner, Business Owner, Operator, and all Responsible Parties agree that if the Revenue Fee is challenged by any one of them or a third party and set aside, the business must cease operations.

a. *Amount of Fee and Terms of Payment.* The Revenue Fee shall be an annual fee of twenty-five (\$25.00) per square foot for the first 3,000 square feet and ten dollars (\$10.00) per square foot for the remaining space utilized in connection with each Commercial Marijuana Operation. The square footage calculation shall be determined by including all portions of the Premises under the control of the Business Owner and deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the Commercial Marijuana Operation (such as a janitorial closet).

If more than one Commercial Marijuana Operation operates on the Premises, each Business Owner shall be responsible for paying the fee. The Fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to opening. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City before the end of the quarter.

b. *Alternative Voter Approved Tax.* If the voters of the City approve a tax rate which is equivalent to the Revenue Fee, the Business Owner shall pay the tax in lieu of the Revenue Fee once the City begins to receive the tax revenue.

c. *Accounting.* The Business Owner shall maintain accounting books governing the entire operation of the Premises, in accordance with generally accepted accounting principles or other methods approved by the Finance Director or his/her designee. The books shall, at a minimum, contain information in sufficient detail, as determined by the Finance Director or his/her designee, necessary for the City to verify payment of the Revenue Fee.

The books should be open for inspection by the Finance Director or his/her designee during regular business hours Monday through Thursday, 7 a.m. to 6 p.m., excluding City recognized holidays, and at all other times within a reasonable time upon request. The books and supporting data shall be maintained for not less than a period of five (5) years following the calendar year in which they were generated.

The books, documents, records and accounts relating to the Revenue Fee shall be audited at the end of the business fiscal year by a certified public accountant. The report of such accountant and all work papers utilized in the preparation of such audit shall be submitted to the Finance Director. The Finance Director shall review the report and work papers and may require any further information from the Business Owner. The Finance Director may submit such documents and information to a certified public accountant selected by the City for review.

The City may require, at any time, an audit of the books, documents, records and accounts relating to the Revenue Fee by a certified public accountant. Such audit shall be in addition to the annual audit. Any inaccuracy found in the revenues previously reported to the City shall be adjusted accordingly. If such additional audit shall disclose an inaccuracy of greater than two percent (2%) error with respect to the revenues reported by the Business Owner for the period of the audit, the cost thereof shall be paid to the City by the Business Owner. Otherwise, the cost of the audit shall be borne by the City.

Any information obtained pursuant to the provisions of this subsection shall be deemed confidential and shall not be subject to public inspection except in connection with the enforcement of the provisions of this subsection, as may be required to comply with the Public Records Act, or pursuant to the order of any court or administrative agency of competent jurisdiction.

(m) *Record Keeping.* The Responsible Party shall make and maintain complete, accurate and legible records of the permitted Marijuana Operations evidencing compliance with the requirements of this section which shall be subject to audit in accordance with this section.

(n) *Access to records.* Each Marijuana Operation shall allow the Police Chief to have access to the books, records, accounts, and any and all data relevant to its Marijuana Operation for the purpose of conducting a financial audit or diversion examination. Books, records, accounts, and any and all relevant data will be produced no later than 24 hours after receipt of the Police Chief's written request(s).

(o) *Inspection.* Marijuana Operations shall be open for inspection by any City law enforcement officer or City code enforcement officer at any time the Marijuana Operation is operating, at any other time upon responding to a call for service related to the property where the Marijuana Operations is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any Marijuana Operation shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

(p) *Indemnification.* In authorizing Commercial Marijuana Operations under this section, the City makes no guarantees or promises as to the lawfulness of the approved activity under State or Federal law, and the Business Owner, Operator and all Responsible Parties are obligated to comply with all applicable laws. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to the adoption of this Ordinance or the operation of any Commercial Marijuana Operation approved pursuant to this Ordinance or under State or federal law. The Business Owner, Operator and all Responsible Parties shall defend, hold harmless, release, and indemnify the City, its agents, officers, and employees, from any liability associated with the approved use or adverse determinations made by the State or Federal government. An adverse determination could include cessation of operations.

The Business Owner agrees to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to Commercial Marijuana Operations operating under the authority of this Ordinance. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the permittee of its obligation hereunder.

If requested by the City Attorney, the Business Owner shall execute an agreement memorializing the requirements of this subsection.

(q) *Insurance.* The Business Owner shall at all times carry a comprehensive general liability policy in the minimum amount of Five Million Dollars (\$5,000,000) combined single limit policy, and for automobiles, a comprehensive automobile liability policy in the minimum amount of Two Million Dollars (\$2,000,000), combined single limit, as shall protect the Business Owner and City from claims for such damages, and which policy shall be issued by an “A” rated insurance carrier. Such policy or policies shall be written on an occurrence form. The City Manager, in consultation with City's Risk Manager, may allow the Business Owner to obtain lesser amounts of insurance where multiple Business Owners are operating on the Premises, provided at all times the minimum insurance set forth herein is applicable to the Marijuana Operations.

The Business Owner shall furnish a notarized certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by City setting forth the general provisions of the insurance coverage. This countersigned certificate shall name City and its respective officers, agents, employees, and volunteers, as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The certificate and endorsement by the insurance carrier shall contain

a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination.

Coverage provided hereunder by the Business Owner shall be primary insurance and not be contributing with any insurance maintained by City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of City.

(r) *Violations: Enforcement.*

(1) Any person that violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

(2) Any use or condition caused or permitted to exist in violation of any of the provisions of this section shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Coalinga Municipal Code.

(3) Any person who violates, causes, or permits another person to violate any provision of this section commits a misdemeanor.

(4) The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

(5) In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this section may be subject to an administrative fine of up to one thousand dollars (\$1000.00) for each violation and for each day the violation continues to persist.

(s) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this section or of the Regulatory Permit issued pursuant to this section, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this section.

(t) *Judicial review.* Judicial review of a decision made under this section or any actions taken pursuant to this section, may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure Section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for such actions.

EXHIBIT “B”

**ORDINANCE NO. 791
COMMERCIAL MARIJUANA OPERATIONS
(Urgency Ordinance)**

PUBLIC HEARING NOTICE

CITY OF COALINGA
155 W DURIAN AVE
COALINGA, CA 93210
0002603476

RECEIVED AUG 10 2016

The Fresno Bee
fresnobee.com

Central Valley
The Valley's Lifestyle Magazine
SIERRA STAR
Serving Eastern Fresno Since 1957

Vida
in el valle

PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

August 05, 2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated August 05, 2016

Hally Zarate

PUBLIC NOTICE

#2603476

CITY OF COALINGA
COMMERCIAL MARIJUANA OPERATIONS

NOTICE OF PUBLIC HEARING

SUMMARY OF EXTENSIONS OF URGENCY ORDINANCES

On August 18, 2016, at 6:00 p.m., at the City of Coalinga Council Chambers, located at 155 W. Durian Avenue, Coalinga, California, the City Council of the City of Coalinga will consider the adoption of two Urgency Ordinances extending Urgency Ordinance Nos. 786 and 787, and take related actions. The purpose of these ordinances is to keep in effect interim regulations addressing the commercial marijuana industry in Coalinga pending the City's ability to adopt a permanent ordinance through the regular process. If approved by the Council, the extensions of Urgency Ordinance Nos. 786 and 787 will take effect immediately. The extension of Urgency Ordinance Nos. 786 and 787 and related actions will continue to do the following:

1. Remove the current ban on commercial marijuana cultivation, restoring that use to what is allowed under the Municipal Code as if the ban had never been adopted.
2. Adopt a new regulatory ordinance to address the potential adverse impacts from commercial marijuana cultivation, as well as other commercial marijuana operations, such as manufacturing, extraction, testing, and distribution that are not currently prohibited in the City. These regulations are essential to protect the public health, safety and welfare. The regulations will do the following:
 - a. Impose no see, hear or smell rules on all operations.
 - b. Require that all operations be inside a highly secure building with substantial security measures.
 - c. Prohibit on-site and off-site signage advertising the use as a marijuana operation.
 - d. Require compliance with the California Medical Marijuana Regulation and Safety Act (MMRSA) and all other applicable State regulations.
 - e. Place limitations on who can own and operate a commercial marijuana operation.
 - f. Require that employees obtain City permits and go through a background check.
 - g. Require that all commercial marijuana businesses register with the City demonstrating compliance with the regulatory requirements.
 - h. Provide a mechanism for revoking the registration and other enforcement options.
3. Approve minor adjustments to the General Plan boundaries and/or adopt a zoning ordinance amendment to allow commercial marijuana operations to occur at the former Claremont Custody Center Site.
4. Make a finding that the actions are exempt from the California Environmental Quality Act.

For a complete copy of the ordinances and related actions, including the full set of proposed interim regulations, urgency ordinance findings, and CEQA exemption findings, contact the Deputy City Clerk at (559) 935-1533, x113. The documents will also be posted to the City's website once completed.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Ordinance No. 792: An Urgency Ordinance of the City of Coalinga Extending Interim Urgency Ordinance No. 787, An Urgency Ordinance of the City Council of the City of Coalinga: Changing the Zoning for the Claremont Custody Center Site Located at 185 Gale Avenue in the City of Coalinga From the PF – Public Facilities Designation to the MBL- Light Manufacturing/Business Zone District Pending Adoption of a Permanent Ordinance

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Mary Lerner, Assistant City Attorney

I. RECOMMENDATION:

That the City Council consider approval of Urgency Ordinance No. 792 extending interim Urgency Ordinance No. 787 changing the zoning for the Claremont Custody Center from Public Facilities designation to Light/Manufacturing/Business Zone District.

II. BACKGROUND:

On June 23, 2016, the City Council directed staff to prepare urgency ordinances related to marijuana operations within the City for adoption at the July 7, 2016 City Council meeting. On July 7, 2016, the City Council adopted Urgency Ordinance No. 786 which is effective through August 20, 2016.

On August 4, 2016, the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of Urgency Ordinance No. 787.

III. DISCUSSION:

An Urgency Ordinance can be extended for up to 10 months and 15 days upon approval of the City Council.

Urgency Ordinance No. 792 extends Urgency Ordinance No. 787 which changes the zoning for the Claremont Custody Center from Public Facilities Designation to Light/Manufacturing/Business Zone District. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance. The City's intent is that the property be used for commercial purposes. The most appropriate designation is MBL-Light manufacturing business as that is the designation of property located directly east of Claremont. This action must be taken to ensure consistency with the General Plan land use designation.

Ordinance No. 792 requires a 4/5 vote by the City Council. City Staff will continue to work towards preparing a permanent ordinance following additional study and analysis of the marijuana related issues including, but not limited to, AUMA and pending state regulations. The City Attorney and City Staff will provide additional information at the City Council meeting.

IV. ALTERNATIVES:

That the City Council not adopt Ordinance No. 792, and direct City Staff to proceed as previously directed through the regular ordinance and permitting process.

V. FISCAL IMPACT:

None.

ATTACHMENTS:

File Name	Description
 ORD#792_Urgency_Ord_Extension_Related_to_Commercial_Marijuana_Operations_081816.pdf	Ordinance No. 792

ORDINANCE NO. 792
COMMERCIAL MARIJUANA OPERATIONS
CLAREMONT CUSTODY CENTER SITE REZONE
(Urgency Ordinance)

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA EXTENDING INTERIM URGENCY ORDINANCE NO. 787, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA: CHANGING THE ZONING FOR THE CLAREMONT CUSTODY CENTER SITE LOCATED AT 185 GALE AVENUE IN THE CITY OF COALINGA FROM THE PF – PUBLIC FACILITIES DESIGNATION TO THE MBL – LIGHT MANUFACTURING/BUSINESS ZONE DISTRICT PENDING THE ADOPTION OF A PERMANENT ORDINANCE

WHEREAS, on July 7, 2016, after notice and a public hearing, the City Council of the City of Coalinga adopted urgency Ordinance No. 787, which temporarily changed the zoning for the Claremont Custody Center; and

WHEREAS, section 65858 of the California Government Code and related codes provide that urgency ordinances shall expire and be of no force and effect forty-five (45) days from the date of adoption; and

WHEREAS, the statutes provide that prior to the expiration of an urgency ordinance, the City may extend an urgency ordinance for an additional ten (10) months and fifteen (15) days upon issuing a written report describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance; and

WHEREAS, on August 4, 2016, the City Council issued a written report describing the measures taken by the City to alleviate the circumstances and conditions, which led to the adoption of Urgency Ordinance No. 787, since its adoption on July 7, 2016 (“Council Report”); and

WHEREAS, based on the Council Report, the City Council has determined that the circumstances and conditions that led to the adoption of Urgency Ordinance No. 787, as set forth in the Findings for Urgency Ordinance No. 787, which are fully incorporated herein by this reference, have not been alleviated as of the date of this Ordinance and continue to create the concerns described in Urgency Ordinance No. 787; and

WHEREAS, the City Council seeks to extend Urgency Ordinance No. 787 to provide additional time to establish a permanent ordinance and to help ensure that marijuana facilities are regulated in a way that protects the community and complies with applicable law; and

WHEREAS, the purpose for extending Urgency Ordinance No. 787 is to avoid the potentially significant adverse impacts to the public’s health, safety, and welfare described in Urgency Ordinance No. 786; and

WHEREAS, the City Council has determined that there is a need to extend Urgency Ordinance No. 787 for an additional ten (10) months and fifteen (15) days as authorized under section 65858 of the California Government Code and related codes; and

WHEREAS, the notice and public hearing required by the California Government Code for an extension of Urgency Ordinance No. 787 has been provided in accordance with law.

THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council hereby incorporates by reference the Findings set forth in the companion Urgency Ordinance Nos. 786 and 791, adopting interim standards for commercial marijuana operations in the City and makes the following additional findings.

1. On December 18, 2014, the City Council adopted Resolution No. 3662, declaring Claremont Custody Center surplus property, thereby making the property available for private use. Prior to making the property available for private use, the City invited offers to make the property available for other public uses by sending letters to specified State and local entities and qualified non-profit organizations in accordance with Government Code § 54222 et seq. No entity expressed an interest in acquiring the property. Therefore the only viable use for the property became private use. Property adjacent to Claremont is zoned MBL - Light Manufacturing/Business, making that zone designation the appropriate designation for Claremont.
2. The adoption of this Ordinance extending Urgency Ordinance No. 787 is necessary for the current and immediate protection of the public health, safety, and welfare of the City and its residents for all the reasons set forth in the Recitals above, the August 4, 2016 Council Report, the Findings set forth in Urgency Ordinance No. 787, and all reports and studies submitted to the Council in connection with the adoption of Urgency Ordinance No. 787 on July 7, 2016, all of which are hereby expressly incorporated as though fully set forth herein.
2. The City continues to study the issue of the regulation of commercial marijuana operations in the City, and is evaluating further related studies, reports, and other information.
3. The adverse impacts on public health, safety, and welfare as set forth in Urgency Ordinance No. 787 can be avoided through careful study and proper planning.
4. The required California Environmental Quality Act review related to the permanent ordinance is currently being performed.

SECTION 2. STANDARD FINDINGS FOR ZONING ORDINANCE AMENDMENTS.

The City Council hereby makes the following standard findings required for zoning ordinance amendments:

1. The proposed Zoning Ordinance amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance. The City's intent is that the property be used for commercial purposes. The most appropriate designation is MBL-light manufacturing business as that is the designation of property located directly east of Claremont. This action must be taken to ensure consistency with the General Plan land use designation.
3. The site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments. The City will retain certain portions of the property, which will be accomplished by lot line adjustments or lot splits.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

SECTION 3. URGENCY ORDINANCE: REZONE OF CLAREMONT CUSTODY CENTER SITE.

The official zoning map of the City of Coalinga is hereby amended to change the zoning at 185 Gale Ave (APN: 070-041-17ST) from PF (Public Facilities) to MBL (Manufacturing/Business Light) as shown on **Exhibit A** which is incorporated by reference and made part of this Ordinance.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

The City Council hereby incorporates by reference the CEQA Findings set forth in the companion Urgency Ordinance Nos. 786 and 791, adopting interim standards for commercial marijuana operations in the City, as well as the Findings set forth in Urgency Ordinance No. 787.

SECTION 5. PUBLIC HEARING NOTICE.

The City published a notice of the public hearing to consider this proposed urgency ordinance and related actions in the Fresno Bee on August 5, 2016, and also posted the

notice at the following locations: The Coalinga Post Office located at 218 West Durian Avenue, Coalinga, California 93210; the Chamber of Commerce located at 265 West Elm Avenue, Coalinga, California 93210; Coalinga City Hall located at 155 W. Durian Avenue, Coalinga, California 93210; and the Oil Derik located at 300 Coalinga Plaza (also known as Frame Park). A copy of the notice is attached as **Exhibit B**.

SECTION 6: SEVERABILITY

If any article, section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The Council hereby declares that it would have adopted this Ordinance and adopted each article, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE; EXTENSIONS.

This ordinance shall go into effect immediately upon the expiration of Urgency Ordinance No. 786 and thereafter be in full force and operation for a period of ten (10) months and fifteen (15) days (until July 5, 2017), unless further extended by the Council as authorized by California Government Code sections 36937 and 65858.

The foregoing Ordinance was introduced, read and adopted at a regular meeting of the City Council held on August 18, 2016, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Mayor, City of Coalinga

ATTEST:

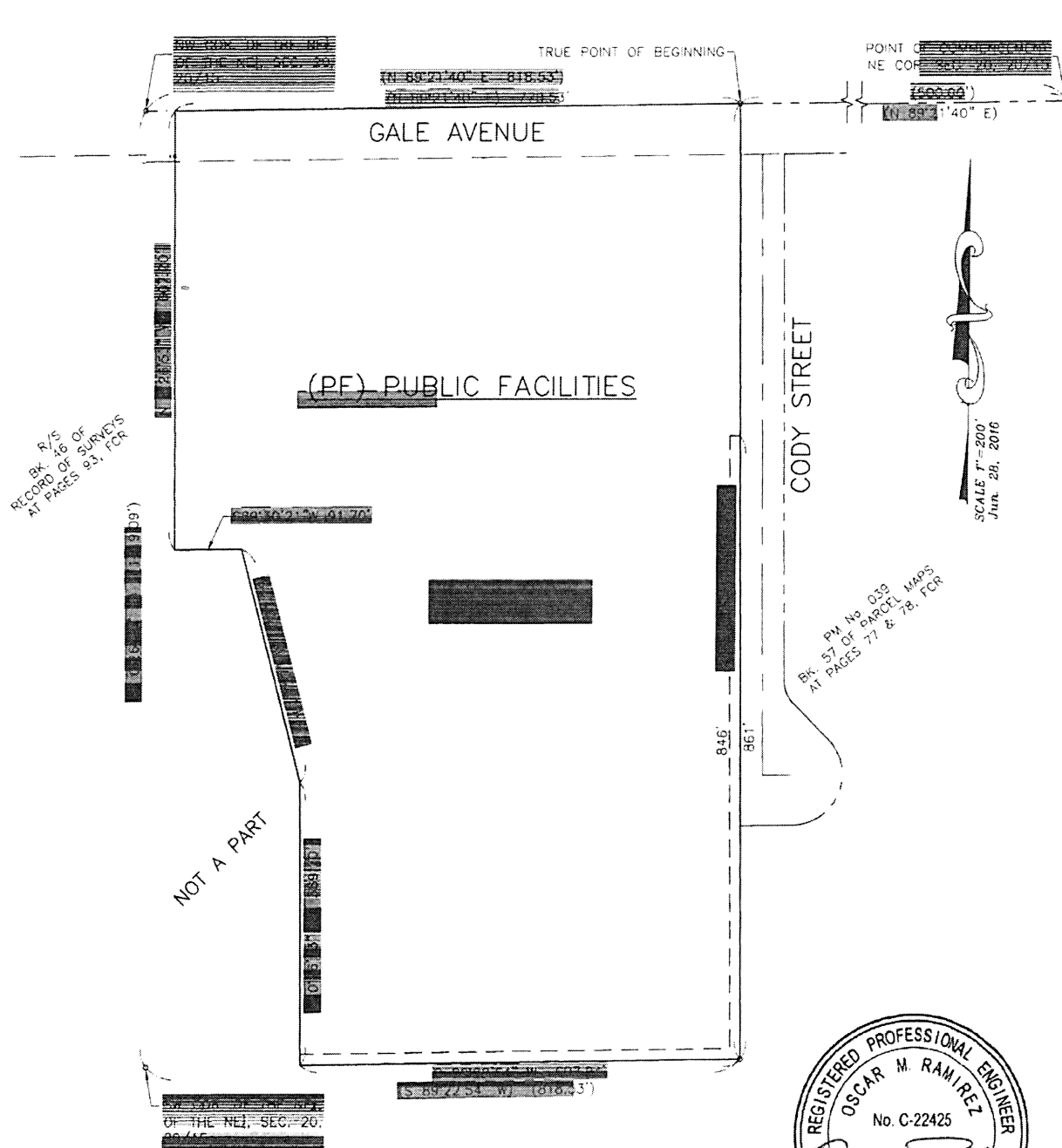
City Clerk/Deputy City Clerk

EXHIBIT “A”

**ORDINANCE NO. 792
COMMERCIAL MARIJUANA OPERATIONS
(Urgency Ordinance)**

ZONING MAP CITY OF COALINGA 185 GALE AVENUE (APN: 070-041-17ST)

EXISTING ZONING DESIGNATION



Legend:

- ⊗ INDICATES AREA PREVIOUSLY DEDICATED FOR PUBLIC PURPOSES
 - () INDICATES DATA PER GRANT DEED RECORDED DEC. 21, 1989, AS DOCUMENT No. 89141879, OFFICIAL RECORDS OF FRESNO COUNTY
- FOR FRESNO COUNTY RECORDS

Site Address

185 GALE AVENUE
COALINGA, CA 93210



TRI-CITY ENGINEERING
ENGINEERS SURVEYORS

4830 W. Jennifer Way #101
Fresno, CA 93722-6615
Tel: 559-447-0075
Fax: 559-447-9074
email: tri-city@com.net

2032 2016 Jun 28

R/S
 BK 46 OF
 RECORD OF SURVEYS
 AT PAGES 93, FOR

TRUE POINT OF BEGINNING

POINT OF COMMENCEMENT
 NE COR. SEC. 20, T27N, R12E

(N 89°21'40" E 318.53')
 (N 89°21'40" E 770.65')
 (S 00°00' 00" E 770.65')
 (N 89°21'40" E)

GALE AVENUE

(MBL) MANUFACTURING
 AND BUSINESS LIGHT

CODY STREET

SCALE 1"=200'
 Jun. 28, 2016

R/S
 BK 46 OF
 RECORD OF SURVEYS
 AT PAGES 93, FOR

(S 89°21'40" E 318.53')
 (S 89°21'40" E 770.65')
 (S 00°00' 00" E 770.65')
 (N 89°21'40" E)

NOT A PART

846'
 861'

R/S
 BK 57 OF PARCEL MAPS
 AT PAGES 77 & 78, FOR

REGISTERED PROFESSIONAL ENGINEER
 OSCAR M. RAMIREZ
 No. C-22425
 CIVIL
 STATE OF CALIFORNIA

Legend:
 (X) INDICATES AREA PREVIOUSLY DEDICATED FOR PUBLIC PURPOSES
 () INDICATES DATA PER GRANT DEED RECORDED DEC. 21, 1989, AS DOCUMENT No. 89141879, OFFICIAL RECORDS OF FRESNO COUNTY
 FOR FRESNO COUNTY RECORDS

Site Address
 185 GALE AVENUE
 COALINGA, CA 93210

TRI-CITY ENGINEERING
 ENGINEERS SURVEYORS
 4830 W. JENNIFER AVE. #101
 FRESNO, CA 93722-6415
 PH: 559-447-9075
 FAX: 559-447-2076
 email: tri-city@earthlink.net

2632 2016 Jun 26

INDICATES AREA PREVIOUSLY DEDICATED FOR
PUBLIC PURPOSES

INDICATES DATA PER GRANT DEED RECORDED
DEC. 21, 1889, AS DOCUMENT No. 89141879.
OFFICIAL RECORDS OF FRESNO COUNTY

FOR FRESNO COUNTY RECORDS

185 GALE AVENUE
COALINGA, CA 93210



Toll Brothers
THE CITY

TRI-CITY ENGINEERING
ENGINEERS SURVEYORS

4530 W. Jennifer Ave. #101
Fresno, CA 93722-6412
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7632 2016 Jun 26

EXHIBIT “B”

**ORDINANCE NO. 792
COMMERCIAL MARIJUANA OPERATIONS
(Urgency Ordinance)**

PUBLIC HEARING NOTICE AUGUST 5, 2016

CITY OF COALINGA
155 W DURIAN AVE
COALINGA, CA 93210
0002603476

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The Valley's Lifestyle Magazine
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Serving Eastern Fresno Since 1957

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PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

August 05, 2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated August 05, 2016

Hally Zarate

PUBLIC NOTICE

#2603476

CITY OF COALINGA
COMMERCIAL MARIJUANA OPERATIONS

NOTICE OF PUBLIC HEARING

SUMMARY OF EXTENSIONS OF URGENCY ORDINANCES

On August 18, 2016, at 6:00 p.m., at the City of Coalinga Council Chambers, located at 155 W. Durian Avenue, Coalinga, California, the City Council of the City of Coalinga will consider the adoption of two Urgency Ordinances extending Urgency Ordinance Nos. 786 and 787, and take related actions. The purpose of these ordinances is to keep in effect interim regulations addressing the commercial marijuana industry in Coalinga pending the City's ability to adopt a permanent ordinance through the regular process. If approved by the Council, the extensions of Urgency Ordinance Nos. 786 and 787 will take effect immediately. The extension of Urgency Ordinance Nos. 786 and 787 and related actions will continue to do the following:

1. Remove the current ban on commercial marijuana cultivation, restoring that use to what is allowed under the Municipal Code as if the ban had never been adopted.
2. Adopt a new regulatory ordinance to address the potential adverse impacts from commercial marijuana cultivation, as well as other commercial marijuana operations, such as manufacturing, extraction, testing, and distribution that are not currently prohibited in the City. These regulations are essential to protect the public health, safety and welfare. The regulations will do the following:
 - a. Impose no see, hear or smell rules on all operations.
 - b. Require that all operations be inside a highly secure building with substantial security measures.
 - c. Prohibit on-site and off-site signage advertising the use as a marijuana operation.
 - d. Require compliance with the California Medical Marijuana Regulation and Safety Act (MMRSA) and all other applicable State regulations.
 - e. Place limitations on who can own and operate a commercial marijuana operation.
 - f. Require that employees obtain City permits and go through a background check.
 - g. Require that all commercial marijuana businesses register with the City demonstrating compliance with the regulatory requirements.
 - h. Provide a mechanism for revoking the registration and other enforcement options.
3. Approve minor adjustments to the General Plan boundaries and/or adopt a zoning ordinance amendment to allow commercial marijuana operations to occur at the former Claremont Custody Center Site.
4. Make a finding that the actions are exempt from the California Environmental Quality Act.

For a complete copy of the ordinances and related actions, including the full set of proposed interim regulations, urgency ordinance findings, and CEQA exemption findings, contact the Deputy City Clerk at (559) 935-1533, x113. The documents will also be posted to the City's website once completed.

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Second Reading Ordinance No. 788 an Ordinance of the City Council of the City of Coalinga Adding Article 6, Section 2-1.601 to Title 2, Chapter 1 Establishing Term Limits for City Council Members, Subject to Approval of the Voters at the November 8, 2016 Election

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Mary Lerner, Assistant City Attorney

I. RECOMMENDATION:

That the City Council conduct the second reading of Ordinance No. 788 regarding term limits.

II. BACKGROUND:

On July 7, 2016, the City Council directed City Staff to place a term limit measure on the November 8, 2016 ballot.

On August 4, 2016, the City Council introduced and waived the first reading of Ordinance No. 788.

III. DISCUSSION:

Ordinance No. 788 adds Article 6, section 2-1.601 to Title 2, Chapter 1 establishing term limits for the City Council members, and is subject to approval of a majority of the qualified voters at the November 8, 2016 election.

Section 2-1.601 provides: "Effective with the November 2018 Council election, no person shall serve as a member of the City Council for more than two consecutive four-year terms, either by election or appointment. Following a minimum two year absence, a new two consecutive four-year term limit shall apply."

IV. ALTERNATIVES:

None.

V. FISCAL IMPACT:

The fiscal impact to the City is the estimated cost of \$11,000.00 to \$15,000.00 for placing the measure on the ballot.

ATTACHMENTS:

File Name	Description
 ORD#788_Term_Limits_(00449078x7AD00)_080416.pdf	Ordinance No. 788

MEASURE __

**FULL TEXT OF TERM LIMIT ORDINANCE SUBJECT TO APPROVAL OF A
MAJORITY OF THE QUALIFIED VOTERS AT THE NOVEMBER 8, 2016 ELECTION**

ORDINANCE NO. 788

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA
ADDING ARTICLE 6, SECTION 2-1.601 TO TITLE 2, CHAPTER 1
ESTABLISHING TERM LIMITS FOR CITY COUNCIL MEMBERS**

THE CITY COUNCIL OF THE CITY OF COALINGA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. FINDINGS. The City Council finds and determines as follows:

- A. California Government Code section 36502 provides that the City may prospectively limit the number of terms a Member of the City Council may serve after approval by a vote of the people.
- B. The City Council is authorized and directed by statute to submit an ordinance to the voters.

SECTION 2. NEW ARTICLE 6 TO TITLE 2, CHAPTER 1. A new Article 6 to Title 2, Chapter 1 is hereby added to read as follows:

Article 6. - Term Limits

Section 2-1.601

Effective with the November 2018 Council election, no person shall serve as a member of the City Council for more than two consecutive four-year terms, either by election or appointment. Following a minimum two year absence, a new two consecutive four-year term limit shall apply.

SECTION 3. VOTER APPROVAL. This ordinance shall take effect 10 days following certification by the City Council of approval by a majority vote of the qualified voters of the City voting at the November 8, 2016 election.

SECTION 4. PUBLICATION AND CERTIFICATION. The City Clerk shall publish this ordinance as required by applicable law. Upon approval by the voters, the City Clerk shall certify the passage of this ordinance by the voters, and cause the ordinance to be codified in the Coalinga Municipal Code.

APPROVED:

Mayor, Ron Ramsey

City Clerk/Deputy City Clerk

The foregoing ordinance was introduced and read at a regular meeting of the City Council held on August 4, 2016, and was adopted at a regular meeting of said Council held on _____, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: _____, 2016

City Clerk/Deputy City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Second Reading Ordinance No. 789 an Ordinance of the City Council of the City of Coalinga Adding Chapter 9, Sections 3-9.01 Through 3-9.12 to Title 3 of the Coalinga Municipal Code to Enact 91) a business Operations Annual Tax on Commercial Marijuana Operations and, (2) a Gross Receipts Tax on a Marijuana Dispensary, if a Dispensary is Approved by the Voters Subject to Approval of the Voters at the November 8, 2016 Election

Meeting Date: August 18, 2016

From: Marissa Trejo, City Manager

Prepared by: Mary Lerner, Assistant City Attorney

I. RECOMMENDATION:

That the City Council conduct the second reading of Ordinance No. 789.

II. BACKGROUND:

On July 7, 2016, the City Council directed City Staff to place a marijuana related tax measure on the November 8, 2016 ballot. This ordinance codifies the tax subject to voter approval, and adopts related administrative procedures.

On August 4, 2016, the City Council introduced and waived the first reading of Ordinance No. 789.

III. DISCUSSION:

Ordinance No. 789 is subject to approval of a majority of the qualified voters at the November 8, 2016 election. Ordinance No. 789 adds Chapter 9, sections 3-9.01 through 3-9.12 to Title 3 of the Coalinga Municipal Code. If a single marijuana dispensary is not approved by the voters at the November 8, 2016 election, section 3-9.02, as set forth below, would be inapplicable until such time, if ever, a marijuana dispensary is located in the City of Coalinga.

Sections 3-9.01 through 3-9.12 set forth a commercial marijuana operations tax based on square footage, a 10% dispensary gross receipts tax, and adopts administrative procedures for the implementation and collection of the taxes.

IV. ALTERNATIVES:

None.

V. FISCAL IMPACT:

The fiscal impact to the City would be:

1. The estimated cost of \$11,000.00 to \$15,000.00 in placing the measure on the ballot; and
2. Increased revenue from the collection of taxes, as will be explained by the Finance Director.

ATTACHMENTS:

File Name	Description
 ORD#789_MMJ_Tax_Revenue_(00448893-2x7AD00)_080416.pdf	Ordinance No. 789

MEASURE __

**FULL TEXT OF USE TAX ORDINANCE SUBJECT TO APPROVAL OF A MAJORITY OF
THE QUALIFIED VOTERS AT THE NOVEMBER 8, 2016 ELECTION**

ORDINANCE NO. 789

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA
ADDING CHAPTER 9, SECTIONS 3-9.01 THROUGH 3-9.12 TO TITLE 3 OF
THE COALINGA MUNICIPAL CODE TO ENACT (1) A BUSINESS
OPERATIONS ANNUAL TAX ON COMMERCIAL MARIJUANA
OPERATIONS AND, (2) A GROSS RECEIPTS TAX ON A MARIJUANA
DISPENSARY, IF A DISPENSARY IS APPROVED BY THE VOTERS, SUBJECT
TO APPROVAL OF THE VOTERS AT THE NOVEMBER 8, 2016 ELECTION**

THE CITY COUNCIL OF THE CITY OF COALINGA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. FINDINGS. The City Council finds and determines as follows:

- A. The City has repeatedly experienced a loss of general tax revenues to meet current operations and capital investment which has resulted in deferred spending on many areas of essential services.
- B. On July 7, 2016, the City Council approved Ordinance No. 786 that removed the ban on commercial marijuana cultivation in the City. As a result, the City anticipates the establishment of marijuana facilities within the City limits.
- C. For the public health, safety, and welfare of the residents and businesses of Coalinga, the City Council finds that it is necessary to restore and meet recommended city service levels, restore deferred capital funds, and meet currently identified capital needs.
- D. The City Council further finds that a tax on commercial marijuana operations within the City is the best way to raise the necessary revenue to address the City's service and capital funding needs, and seeks voter approval for the tax.

SECTION 2. AMENDMENT TO COALINGA MUNICIPAL CODE. Coalinga Municipal Code Chapter 9, sections 3-9.01 through 3-9.12 are hereby added to Title 3, to read as follows:

Sec. 3-9.01. - Commercial Marijuana Operations Tax.

Every person engaged in commercial marijuana operations in the City shall pay an annual business operations tax as follows: twenty-five dollars (\$25.00) per square foot used in connection with each commercial marijuana operation for the first three thousand (3,000) square feet, and ten dollars (\$10.00) per square foot for each additional square foot thereafter. The square footage calculation shall be determined by including all portions of the premises deducting therefrom driveways, sidewalks, landscaping, vacant unused space, areas used

exclusively for office space, employee break rooms, restrooms, and storage space unrelated to the commercial marijuana operation (such as a janitorial closet).

If more than one commercial marijuana operation operates on the premises, each person shall be responsible for paying the tax. The tax shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to opening. The first payment shall be prorated so that future payments coincide with calendar year quarters, but in no event shall the first payment be less than the equivalent of one full quarterly payment. Except for the first quarterly payment, all quarterly payments shall be received by the City before the end of the quarter.

Sec. 3-9.02. - Dispensary Gross Receipts Tax.

The owner/operator of the single marijuana dispensary located in the City of Coalinga shall pay a 10% gross receipts tax. "Gross Receipts" is defined as: the total amount actually received or receivable from all marijuana dispensary sales; the total amount of compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the material used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.

Sec. 3-9.03. - Purpose.

The purpose of these general taxes is to raise revenue to fund general municipal services and the revenue can be used for any lawful purpose.

Sec. 3-9.04. - Customers.

The tax shall not be specifically charged or assessed to any customers or consumers of marijuana subject to this tax payment and remittance of the tax to the City shall solely be the responsibility of the person or entity engaged in commercial marijuana operations or operating a marijuana dispensary in the City.

Sec. 3-9.05. - Modification, repeal or amendment.

The City Council may repeal this chapter, or amend it in a manner which does not result in an increase in the amount of the tax or broaden the scope of the tax imposed herein, without further voter approval. If the City Council repeals any provision of this chapter, it may subsequently reenact it without voter approval, as long as the reenacted provision does not result in an increase in the amount of the tax or broaden the scope of the tax imposed herein.

Sec. 3-9.06. - Penalties.

Any entity that fails to pay the taxes required by this chapter within thirty (30) days after the due date shall pay in addition to the taxes a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the tax remains unpaid – up to a maximum of one hundred percent (100%) of the tax payable on the due date. Receipt of the tax payment by the City shall govern the determination of whether the tax is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

Sec. 3-9.07. - Records Retention or Inspection.

Whenever it is necessary to examine any books or records, including tax returns, of any entity or person subject to the provisions of this chapter, to ascertain the amount of any tax due pursuant to this chapter, the City shall have the power and authority to examine such necessary books and records at any reasonable time including, but not limited to, during normal business hours. Records relating to the business, and any determinations to be made under this section must be maintained at least seven (7) years.

Sec. 3-9.08. - Legality of Business.

No payment of any tax required under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner.

Sec. 3-9.09. - Remittance

The taxes imposed by this chapter shall be remitted directly to the City quarterly as set forth in this chapter.

Sec. 3-9.10. - Administration.

The City Council by resolution, may promulgate supplemental regulations to implement and administer the provisions of this chapter.

Sec. 3-9.11. - Appeals.

Any aggrieved person by any decision of the City Manager, or designee, may appeal to the City Council by filing a notice of appeal with the City Manager within fifteen (15) days after the service of the notice of decision. The City Council shall fix a time and place for hearing such appeal as prescribed in rules and regulations adopted by the City Council for appeals, and shall give the appellant ten (10) days' written notice of the time and place of hearing.

The City Council may affirm, modify, or reverse such orders and decisions of the City Manager or dismiss the appeal thereof, as may be just. Decisions of the City Council upon appeal shall be final after service upon the appellant of a decision in accordance with the provisions of this chapter.

Whenever an appeal is available under this chapter and no appeal is filed within the time prescribed, the action of the City Manager shall be final.

Sec. 3-9.12. - Judicial Review.

No injunction, writ of mandate, or other legal or equitable process shall issue in any suit, action or proceeding in any court against the City or an officer thereof, to prevent or enjoin the collection of taxes sought to be collected pursuant to this chapter, and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review.

SECTION 4. EFFECTIVE DATE: VOTER APPROVAL. This ordinance relates to the levying and collecting of the City taxes and shall take effect immediately following certification by the City Council of approval by a majority vote of the qualified voters of the City voting at the November 8, 2016 election.

SECTION 5. PUBLICATION AND CERTIFICATION. The City Clerk shall publish this ordinance as required by applicable law. Upon approval by the voters, the City Clerk shall certify the passage of this ordinance by the voters, and cause the ordinance to be codified in the Coalinga Municipal Code.

APPROVED:

Ron Ramsey, Mayor

City Clerk/Deputy City Clerk

The foregoing ordinance was introduced and read at a regular meeting of the City Council held on August 4, 2016, and was adopted at a regular meeting of said Council held on _____, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: _____, 2016

City Clerk/Deputy City Clerk

STAFF REPORT - CITY COUNCIL/SUCCESSOR AGENCY/PUBLIC FINANCE AUTHORITY

Subject: Discussion and Direction Regarding an Invitation to Speak at the State of Marijuana on September 26, 2016
Meeting Date: August 18, 2016
From: Marissa Trejo, City Manager
Prepared by: Marissa Trejo, City Manager

I. RECOMMENDATION:

There is no staff recommendation. Councilmember Vosburg seeks Council direction regarding a formal invitation to speak at the State of Marijuana at the Queen Mary in Long Beach, California on September 26, 2016.

II. BACKGROUND:

III. DISCUSSION:

IV. ALTERNATIVES:

V. FISCAL IMPACT:

ATTACHMENTS:

File Name

Description

No Attachments Available